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ANNUAL SECURITY & FIRE SAFETY REPORT

Crime and Fire Statistics for Calendar Years 2021, 2020, and 2019 and Policy Statements for the 2022-2023 Academic Year for UNM Main Campus and UNM Health Sciences Rio Rancho

**Prepared and Republished on September 30, 2023 and
October 1, 2024 by**

UNM Office of Compliance, Ethics & Equal Opportunity in
Compliance with the

**Jeanne Clery Disclosure of Campus Security Policy and
Campus Crime Statistics Act**

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UNM LAND ACKNOWLEDGEMENT

Founded in 1889, the University of New Mexico sits on the traditional homelands of the Pueblo of Sandia. The original peoples of New Mexico – Pueblo, Navajo, and Apache – since time immemorial, have deep connections to the land and have made significant contributions to the broader community statewide. We honor the land itself and those who remain stewards of this land throughout the generations and also acknowledge our committed relationship to Indigenous peoples. We gratefully recognize our history.



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THE UNIVERSITY OF
NEW MEXICO®

2022 Annual Security and Fire Safety Report

Crime and Fire Statistics for Calendar Years 2021, 2020, and 2019 and Policy Statements for the 2022-2023 Academic Year for UNM Main Campus and UNM Health Sciences Rio Rancho Campus

Prepared by the UNM Office of Compliance, Ethics & Equal Opportunity
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Campus Crime Statistics Act

The purpose of republishing this ASFSR on September 30, 2023 was to reflect a discrepancy in the originally disclosed annual Clery Act crime statistics for Calendar Year 2021. Statistics that have been adjusted are highlighted in yellow. The October 1, 2024, update was to adjust the Violence Against Women Act (VAWA) statistics for dating violence by incorporating them into the statistics for domestic violence, consistent with New Mexico State Law's definition of a household member.

As reflected in this updated ASFSR, the UNM Health Sciences Rio Rancho Campus is a separate campus from Main Campus for Clery Act reporting purposes—not a Branch Campus as it was misrepresented in the initial publication of this 2022 ASFSR.

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EXECUTIVE SUMMARY

WHY THE NEED FOR THIS REPORT?

In compliance with the Jeanne Clery Act, UNM disseminates an Annual Security and Fire Safety Report (ASFSR) to current and prospective employees and students by October 1 of every year. The ASFSR includes crime and fire statistics for the preceding three calendar years in addition to details about efforts UNM takes to improve and maintain campus and fire safety, support victims of crime, and remain transparent in matters involving crime and other safety concerns.

The ASFSR helps existing and prospective students and employees of the University make informed decisions about whether to work, live, or study at our institution. It does so by providing information on the policies and procedures we have in place to help keep our students, staff, faculty, guests, and campus safe and by painting a straightforward picture of crime and life are like at UNM.

A GLIMPSE AT THE STATS

Over the past three years, UNM went from having an open, bustling campus in 2019 to a total move into the virtual age by 2020 and returned partially to a new normal halfway into 2021. The COVID-19 pandemic led to an increase in unemployment, individuals that were unsheltered, and families coping with quarantine and working and learning from home.

Domestic violence is thought to have increased nationally by double digits in major metropolitan areas as part of COVID-19 isolation, which is reflected in our numbers after campus opened partially in 2021. Motor vehicle thefts have also increased in NM and nationally. Despite this, UNM has remained a lower-risk area despite its status as a metropolitan university. Most crime rates in calendar year 2021 remained steady and some saw a decrease from those of previous years.

UNM'S POLICIES AND RESPONSE TO COMMUNITY NEEDS

Throughout 2021, UNM continued providing services to those in need, to include victims of misconduct and crime, at a time the campus community needed them the most. This was largely due to the fact that prior to the pandemic, UNM had already established its commitment to supporting the needs of our diverse community through policies, procedures, and programs that protect even the most vulnerable on campus.

Increased and targeted police patrols, paralleled by improved physical security systems at UNM's facilities and residence halls, helped ease the transition back to campus living, working on campus, and in-person classes. Emergency notifications and ongoing crime prevention and safety and security programming kept students and employees in touch with trends that were happening in the larger community. Behind the scenes, campus advocates, law enforcement, administrative authorities, and countless others campus-wide worked to protect the rights and quality of life of students, employees, and visitors by offering supportive measures, conducting outreach, enhancing awareness, investigating claims of misconduct, and mitigating threats to the wellbeing of the campus community.

WHERE DO WE GO FROM HERE?

With last year's crime statistics available, law enforcement officials and others involved in safety on campus can evaluate existing programs and assess the need for new approaches to prevention, enforcement, awareness, and victim support.

UNM comprises creative, scholarly, compassionate, and resilient individuals that come together as a community. The beginning of the 2022-2023 academic year has already shown great promise for a brighter future with public safety at the top of UNM's list of priorities. With new Title IX regulations coming down the pike and the anticipation of new guidance from the U.S. Department of Education on Clery matters, we have an opportunity to reinvigorate and empower Lobos with a new sense of stewardship for UNM, responsibility to self, and a devotion to helping others in need.



A MESSAGE FROM CEEO

DEAR FELLOW AND FUTURE LOBOS,

We are at a point in time where the world is ours to shape. With our full transition back to campus, there are smiling faces, classes are in person, and work is back in full swing. We have the opportunity to become an even better version of the community we have always been.

None of that would be possible without the sense of safety and security we have on campus.

COVID-19 has resulted in fluctuating crime rates nationwide. The nation has seen increases in crime thought to be related to COVID-19 and its aftermath.

And still, there is a pulse that runs through the UNM community—one that reminds people to look out for one another. This is why, in the past year, we have seen a large amount of third-party reporting and numerous safety measures and resources taken to make UNM a safer place to learn and work.

But UNM is not immune to crime and we at CEEO remain committed to making sure your experience at UNM is a positive one, full of learning, enjoyment, fulfillment, and freedom. We continue to partner with UNMPD to improve our safety notification processes and with resource center allies to continue providing victims the support they deserve.

We urge you to take advantage of the many, many safety and security programs on campus—for your own safety, safety of those around you, and your enjoyment of life. These include utilizing the LoboGuardian app and reporting things that seem amiss. We also encourage you to review the crime statistics leading up to this year, equipped with the knowledge that while they provide some insight into our recent past, crime reporting can vary greatly depending on factors like police resources, patterns in the overall community, individuals' perceptions of crime and attitudes toward reporting crime, and the stability of relationships and family cohesiveness during times of crisis and pandemic.

Most of all, we encourage you to take care of yourself and to come forward with suggestions and concerns you have regarding safety and security during your experience as a Lobo. Preventing crime takes a Pack.

Stay safe, Lobos.



Francie Córdova, JD
Chief Compliance Officer



Adrienne Helms
Clery Coordinator



BACKGROUND

THE JEANNE CLERY ACT

Jeanne Clery was a 19-year-old college student who was brutalized, raped, and murdered in her dorm room by another student on April 5, 1986. The student also burglarized her dorm room during the attack.

It is reported the university was aware that Jeanne's residence hall had 181 reports of the three locking exterior doors to the student dorm rooms being propped open by students—a major security breach the university failed to correct. Unknowingly, Jeanne had left her dorm room unlocked that evening because her roommate had forgotten her key, trusting that her campus was safe and secure.

Her parents, Howard and Connie Clery, distraught with grief and anger, advocated that institutions that receive federal funding must collect their crime statistics and publicize the information so consumers can make informed decisions about attendance and safety at any post-secondary institution that receives federal funding.

Their efforts along with those of others over the years resulted in passage of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act).

The Clery Act is a federal law that requires colleges and universities that receive federal funding to:

- Collect, classify, count, and publish campus crime data to the public and the Department of Education;
- Support victims of violence;
- Publicly outline the policies and procedures they have put into place to improve campus safety;
- Issue campus alerts (timely warnings and emergency notifications); and
- Maintain a daily crime log.

WHAT IS THE ANNUAL SECURITY AND FIRE SAFETY REPORT (ASFSR)?

Like other universities, UNM disseminates an Annual Security and Fire Safety Report (ASFSR) to current and prospective employees and students by October 1 of every year. The ASFSR includes crime and fire statistics for the preceding three calendar years in addition to details about efforts UNM takes to improve campus and fire safety.

The ASFSR also includes policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of and response to incidents of alleged sexual assault, domestic or dating violence, and stalking.

The ASFSR helps existing and prospective students and employees of the University make informed decisions about whether to work, live, or study at our institution. It does so by providing information on the policies and

procedures we have in place to help keep our students, staff, faculty, guests, and campus safe and by painting a straightforward picture of crime and life are like at UNM.

UNM makes the report available to all current students and employees via UNM email prior to the federal deadline. The ASF SR is also accessible for prospective students and employees and the community at large on [UNM's Campus Safety webpage: https://campussafety.unm.edu/](https://campussafety.unm.edu/)

Individuals may request a print version of the ASF SR from:

UNM Office of Compliance, Ethics, and Equal Opportunity (CEEEO)
609 Buena Vista Dr NE
Albuquerque, NM 87106
505-277-5251
ceeo@unm.edu

UNM Health Sciences Rio Rancho Campus

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.
- The site is not reasonably geographically contiguous with the main campus.
- The site has an organized program of students.
- There is at least one person on site acting in an administrative capacity.

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

HOW UNM PREPARES THE ASF SR

The Clery Coordinator with the Office for Compliance, Ethics & Equal Opportunity (CEEEO), ASF SR with the assistance of the UNM Police Department (UNMPD) and other areas of campus. The Clery Coordinator collects information from a multitude of stakeholders on campus to collect information for the ASF SR that includes:

- All applicable policies and procedural documents the Clery Act requires
- All crime prevention and educational programming efforts offered by UNM for the campus community
- All the reporting avenues available to the UNM community to report crimes
- All crime and fire statistics the Clery Act requires

Additionally, as required by the U.S. Department of Education, the Clery Coordinator stays updated on any new initiatives or compliance information to is pertinent to ASFSR.

UNM'S POLICE & SECURITY PERSONNEL

THE UNIVERSITY OF NEW MEXICO POLICE DEPARTMENT (UNMPD)

All University of New Mexico Police Department (UNMPD) officers meet all state certification standards mandated by the New Mexico Department of Public Safety and are commissioned by the UNM Board of Regents ([Section 29-5-2 NMSA 1978](#)).

UNMPD is open 24 hours a day, 365 days a year to respond to the needs of the UNM community needs. The Department utilizes interoperable radio communications and communicates with other police agencies, fire and rescue personnel, and UNM Hospital during emergencies and in the course of providing mutual aid.

UNMPD officers have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances, and campus traffic regulations which includes the authority to arrest. UNMPD investigates complaints of criminal activity on campus, 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 UNM's Greek letter organizations and student housing areas.

Safety Escorts

The UNM Police Department offers safety escort services to anyone needing a safety escort from an on-campus location to another on-campus location 24 hours, 7 days a week. They do not provide safety escorts to off-campus locations. Members of the UNM community can call 505-277-2241 to for more information or to request a safety escort.

Daily Crime and Fire Logs

UNMPD maintains a Daily Crime and Fire Logs on the [UNMPD website](#) of all crimes reported by CSAs on the UNM Main Campus. For each entry, UNMPD provides:

- The date and time an offense was reported
- Incident type
- Location of incident
- Disposition

The information in this log does not include any personal identifying information about victims.



PARTNERING AGENCIES

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 Memorandum of Understanding (MOU) in place that stipulates who has primary jurisdiction to make arrests, enforce laws, and investigate crimes within the City. UNMPD's primary jurisdiction is all UNM- leased or -owned property located on UNM's Main Campus and within the City of Albuquerque. APD's retains primary jurisdiction on properties within City the University does not own or lease, which includes off-campus apartments that are within close proximity to campus. Under their agreement, APD and UNMPD may request mutual aid from the other to handle any investigative or other law enforcement-related situation, event, or alleged criminal activity occurring on or off campus.

UNMPD has a similar written agreement in place with the Rio Rancho Police Department (RRPD) concerning law enforcement and investigations at the UNM Health Sciences Rio Rancho Campus.

By statute, New Mexico State Police (NMSP) has jurisdiction to arrest and enforce state laws within the entire state of New Mexico, which includes on UNM Main Campus and the UNM Health Sciences Rio Rancho Campus.

UNMPD routinely collaborates with APD, the Bernalillo County Sheriff's Office (BCSO), RRPD, the Albuquerque Aviation Police Department (AAPD), NMSP, and a variety of federal agencies, both on campus and in areas within proximity to campus. This interagency collaboration facilitates the presence of multiples agencies on campus at large-scale special events, such as football games and student graduations.

UNM SECURITY PERSONNEL

UNM's Campus Security officers are employed by UNMPD. Campus Security officers are in constant contact with the public, providing Provides escort services for visitors, students, staff, and faculty as needed along with other public assistance, such as lockout services, jump-starts, and information requests. Security personnel are also responsible for securing buildings and facilities, performing periodic checks of safety equipment such as lights and blue light emergency phone, and patrolling on foot and in marked vehicles. They also perform security surveys and monitor closed buildings for unauthorized persons and/or suspicious activities.

Campus security officers do not have the authority to arrest or conduct other police activities UNMPD is certified to carry out.

POLICE AND SECURITY AT UNM HEALTH SCIENCES RIO RANCHO CAMPUS

The Sandoval Regional Medical Center (SRMC) Security team is responsible for 24/7 patrol of the UNM Health Sciences Rio Rancho Campus.

The Rio Ranch Police Department (RRPD) has primary jurisdiction and arrest authority. Rio Rancho Campus staff has access to duress buttons at specified locations to request the assistance of SRMC Security.

UNMPD does not have arrest authority at the Rio Rancho Campus. However, the UNM Health Sciences Rio Rancho Campus community receives the same training on safety and crime prevention as the UNM Main Campus community does.

SECURITY AT UNM FACILITIES

SECURITY OF BUILDINGS ON MAIN CAMPUS

Classrooms and other nonresidential buildings on Main Campus are generally open during regular business hours, when class is in session, and for special events. However, as part of our safe campus initiatives, building access is limited after hours. Access to these buildings after regular business hours is only granted to those with key or card access to the respective building. Persons authorized to remain in the building after hours must always have proper identification on them.

Police and Security personnel conduct frequent internal and external checks of all buildings on campus and UNM operates a computerized intrusion and fire alarm system to monitor most facilities throughout enhance personal, property, and building security throughout the year. In addition to conducting foot, bicycle, segway, and vehicle patrols, UNMPD also utilizes closed-circuit television (CCTV) to monitor various buildings and areas on campus.

SECURITY AT UNM'S RESIDENCE HALLS

In 2021, UNM's Residence Life and Student Housing (RLSH) housed approximately 2,000 students in its ten residence hall complexes on campus. UNM considers the safety and security of these facilities a priority for the wellbeing of residents, their guests, and the larger campus community.

Residence Hall perimeter doors are secured at all times. Key fob access is provided for entry into Alvarado Hall, Coronado Hall, Hokona Hall, Laguna Hall, DeVargas Hall, Santa Clara Hall, Lobo Rainforest, Redondo Village Apartments. Access control within Student Residence Center Apartments is controlled entirely by mechanical key access.

Access to ACC's residence hall located on South Campus (Lobo Village) is restricted to residents and their guests with a vehicle access gate and fob-access pedestrian gates. Individual apartments are also secured with fob access. Casas Del Rio is controlled by fob access or mechanical keys.

ACC contracts security out to a third-party company for Lobo Village and stations officers at the front gate. Security officers also roam the property after dark and are accompanied by UNMPD during weekend or other nights as needed. Student housing staff (Resident Advisors (RAs) and professional staff) also conduct routine rounds on foot to inspect properties, identify security, safety, and maintenance problems, and follow up with work orders to rectify gaps in security and safety.

Two of UNM's Fraternity & Sorority Life houses that are situated on UNM-owned land are classified as On-Campus Student Housing: Kappa Kappa Gamma and Pi Beta Phi. Security is controlled by each individual Greek Letter Organization.

In addition to conducting foot, bicycle, Segway, and vehicle patrols, UNMPD also utilizes closed-circuit television (CCTV) to record various residential buildings and general housing areas on campus for investigative purposes.

Staff and Security Personnel

Each facility has staff on duty during evening hours who respond to resident needs. Resident Advisors (RAs) live in the residence halls and are available at each residence hall to assist students and document any incident that occurs. UNM briefs student residents on housing policies, fire safety information, and crime prevention during orientation and floor meetings at the start of each semester. Further information may be obtained from the [Residence Hall Handbook](#).

In addition to RAs and other housing staff embedded within UNM's residence halls, the Student Residence Center (SRC) desk is open 24/7 and serves as a service and emergency contact point for all residents on campus. Student Safety members stationed at SRC monitor residence hall perimeters and adjacent parking lot areas and communicate directly by radio with UNMPD. Student Safety also provides escort services to students within the residence hall area of campus.

SAFETY WALKS AND ONGOING MAINTENANCE

Each year in the fall, UNM facilitates Campus Safety Walks through campus as part of its annual Campus Safety Week. Safety Walks offer unique opportunities for students, faculty, staff, and others to get to know campus. During the Walks, participants help identify areas in need of better lighting, pruning, accessibility, maintenance and other safety and security measures. The Safety Walk facilitator collects participants' input and submit the results to the appropriate offices on campus so they can work to rectify any issues.

The [UNM Facilities Management \(FM\)](#) is a key player in this annual process, in addition to their routine evaluation of maintenance, security, and safety of UNM facilities throughout the year. Members of the University community can also submit work order requests to FM using their online [Work Order Request Form](#).

UNM's Security Operations Director and Emergency Manager also collaborate during this process by providing guidance and technical expertise on UNM's security systems, operations, and technologies and emergency management.

Key UNM personnel, including the Clery Coordinator and members of UNMPD to include the Security Operations Director, provide input on new buildings and other campus projects regarding security and safety considerations. and the security utilized in the planning of those buildings for both UNM Main and the UNM Health Sciences 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.

SECURITY AT UNM HEALTH SCIENCES 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.

AWARENESS & CRIME PREVENTION PROGRAMS AT UNM

UNM offers many safety and security awareness and crime prevention programs on campus. These programs are designed to inform students and employees about campus security procedures and practices, encourage students and employees to take responsibility for their own security and the security of others, reduce risks associated with dating violence, domestic violence, sexual assault, stalking, and other crimes, and keep member of the campus community free from discrimination. UNM, in good faith, encourages everyone to take advantage of the many programs and courses that are available to everyone.

SAFETY AND SECURITY PROGRAMS

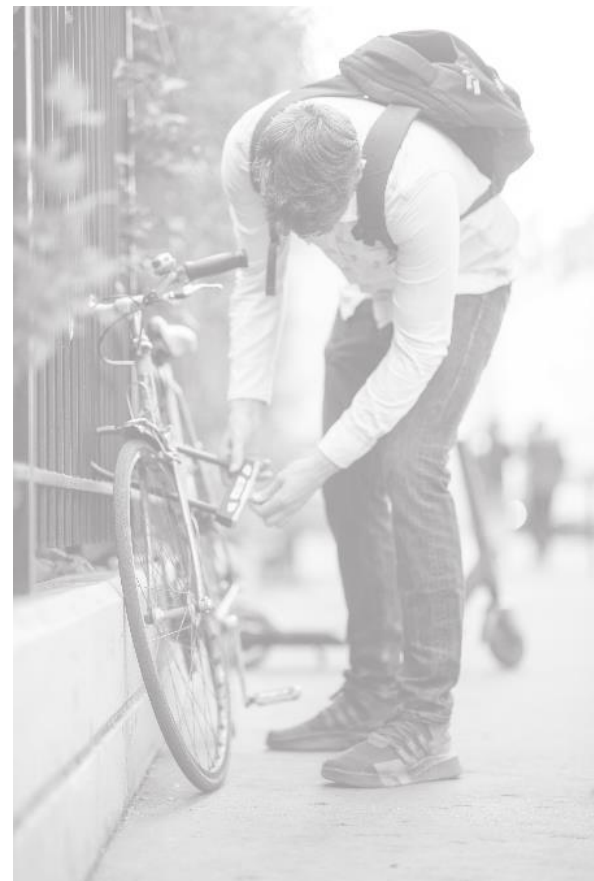
Protect the Pack. This is UNM's campaign to promote a number of safety related items, including being a good bystander and protecting fellow students by "Protecting the Pack" – a play on protecting other students (Lobos).

Campus Safety Week. [Campus Safety Week](#) is a time when the UNM Community comes together to observe [National Campus Safety Awareness Month \(NCSAM\)](#), held every year in September. Workshops and other activities held throughout the week are designed to bring more awareness and education to safety-related topics that affect UNM students, faculty, and staff, and the larger community of which UNM is a part. Events UNM departments have sponsored in the past include:

- Campus Safety Walks
- Digital Safety Presentation and Twitter Chat
- Fire Extinguisher Training
- When Disaster Strikes: Emergency Response on Campus
- Naloxone & Fentanyl Testing Strip Training
- Active Attack Preparedness & Response
- Coffee with Our Cops

Bicycle Registration. UNMPD strongly recommends that anyone owning a bicycle at UNM register it with the Department. Registration is free and valid for four years. Students and employees can register their bicycle by using UNMPD's [online Bicycle Registration Form](#) or in person on the west end of Hokona Hall (2500 Campus Blvd NE).

Safety Tips. UNMPD, along with other departments of the University, provide tips for students and employees on topics such as [pedestrian, skateboarding, and bicycling safety](#), [safety in social settings](#), [sexual exploitation survival](#), and [responsible drinking](#). RLSH and ACC provide campus residents with safety



tips in the residence halls during monthly meetings and via flyers, bulletin boards, email, and social media.

Safety Planning Workshops. Resource centers on campus such as the [Women's Resource Center \(WRC\)](#), [LoboRESPECT Advocacy Center](#), and [LGBTQ Resource Center](#) specialize in working with individual to develop safety plans for any number of reasons. Students and employees can visit any of the centers or access safety and security safety planning information and obtain guidance from an experienced campus advocate.

Safe Spaces and RIMA Workshops and Presentations. UNM's Office for Diversity, Equity & Inclusion explores the experiences of BIPOC4 (Black, Indigenous and People of Color, to include individuals identifying as Asian/API, Latinx, and/or Multiracial), persons with disabilities, and LGBTQIA undergraduate and graduate students at UNM and designs appropriate interventions to enhance UNM's inclusive climate. DEI offers Racial & Intersectional Microaggressions (RIMA) presentations and workshops throughout the year. Scheduled events are posted on the [Campus Climate website](#).

Safe Zone. Safe Zone training is a capstone program of the UNM [LGBTQ Resource Center](#). The four-hour training covers topics such as: Intersections of Identity, Microaggressions, the Coming Out process, creating equitable spaces for Transgender individuals, and more. The LGBTQ Resource Center provide Safe Zone training events in person and online throughout the year.

New Student Orientation. To help new Lobos get acquainted with UNM, all incoming students complete the [New Student Orientation \(NSO\)](#) program. NSO provides the opportunity to learn about campus resources, make connections with faculty and staff, and register for courses. During NSO, students participate in virtual and in-person workshops before their first semester of enrollment about a variety of safety and security topics.

Family Connection. The [Family Connection \(FC\)](#) orientation program, which runs concurrently with NSO, is for parents, grandparents, guardians, and other family members who have a traditional freshman student starting at UNM. Students' family members who participate in the online and in-person FC sessions over the summer receive information about safety and security on campus and ways their students can protect themselves and their belongings during their time at UNM.

e-CHUG. In the spring of 2011, [COSAP](#) worked with the Dean of Students staffs to add an online alcohol assessment to the NSO experience. As students register for their mandatory orientation program, the online procedures include instructions on how to complete the [Alcohol eCHECKUP TO GO \(e-CHUG\)](#) before their scheduled orientation date. While the instruction to complete the e-CHUG has not yet been made mandatory for entering or current students, we encourage all UNM students to complete e-CHUG. Approximately 132 UNM students completed the assignment between 6/27/21 and 6/27/22. The e-CHUG has been shown to be effective in studies of various student populations at a variety of

colleges including UNM and methods for increasing its adoption among entering first-year students are being considered.

Curriculum Infusion. COSAP to this date remains open to incorporating alcohol and other drug-related issues into courses required of first-year students and working with instructors, Chairs and Deans of the departments that provide undergraduate degrees to share and present information to students. COSAP continually provides presentations to class sections in a variety of disciplines and strives to incorporate its prevention message into class content.

New FSL Member Summit. The [Fraternity and Sorority Life \(FSL\)](#) staff in the [Student Activities Center \(SAC\)](#) is committed to building a community that values learning. As such, there are essential programs and educational events that are designed to help members acclimate to Greek Life. During [New Member Summit](#) and over the course of the year, many important topics are covered such as alcohol education, hazing identification, reporting, and prevention, and sexual assault reporting and prevention.

The Barrier Necessities Program. To decrease the transmission rate of sexually transmitted infections (STIs) among sexually active UNM students and to ensure all students have the option to protect themselves and others, [SHAC](#) facilitates [The Barrier Necessities](#). This program is an expanded condom distribution initiative (implemented on October 17, 2011), to ensure UNM students have access to free condoms and dental dams without obstacle year-round. SHAC also provides resources and materials online and at the center, such as [Safer Sex](#) tips.

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 as part of employee orientation and on an annual basis, which is the primary prevention and awareness program for faculty and staff. The online training 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 provides:

- A discussion on sexual misconduct, specifically the definitions and prevention strategies for dating violence, domestic violence, sexual assault and stalking, which are prohibited under UNM [Policy 2740](#)
- The meaning of “consent” pursuant to UNM [Policy 2740](#)
- Positive and safe bystander information
- Information on reporting incidents of sexual violence, domestic violence, dating violence, stalking, including anonymous reporting options and a description of whom UNM designates as mandatory reporters
- UNM’s response to reports of incidents of sexual assault, domestic violence, dating violence, or stalking and parties’ rights within disciplinary proceedings

Active Shooter on Campus: Run, Hide, Fight. This training module is included in UNM's mandatory training for new employees and available on demand. [Run, Hide, Fight](#) demonstrates techniques for reducing harm and risk during an active shooter incident for individuals and those around them. Like other crime prevention programs on campus, Run, Hide, Fight empowers employees and others to take responsibility for their own safety the greatest extent possible.

Information Privacy and Security Awareness. This mandatory and on-demand training for new employees provides participants with strategies for keeping information online private and helping prevent cybercrimes.

CRIME PREVENTION PROGRAMS

Crime Prevention Tips. UNMPD and other departments on campus provide tips on ways individuals can help protect themselves, their loved ones, their property, and their community from crime. Paper brochures, flyers, and other literature at various locations throughout campus, and several departments post crime prevention tips on their websites and social media pages throughout the year.

Crime Prevention Through Environmental Design (CPTED). UNMPD, CEOO, FM, RLSH, and ACC work collaboratively to conduct security assessments and develop solutions for deterring criminal activity on campus properties throughout the year.

The Grey Area. UNM provides a mandatory sexual misconduct prevention training called [The Grey Area](#) to all qualified UNM students. The Grey Area is a one-time, in-person session that is required of all UNM students currently enrolled in six credits or more in a degree-granting program with a regular presence on campus. This includes branch campus students and those enrolled at the Health Sciences Center and UNM Law School. Individuals can [register for a free The Grey Area training session online](#).

Know Your Title IX. The [Title IX Coordinator](#) within [CEEO](#) provides free training throughout the year to various groups of students, faculty, and staff on all UNM campuses on Title IX topics to include policy and investigatory procedures, understanding the most recently updated regulations, exploring newly proposed regulations, and sexual violence prevention. The Title IX Coordinator tailors presentations to the needs of various audiences such as Campus Security Authorities (CSAs) and student housing staff. Individuals and groups can request online and in-person training using the online [CEEO Training Request Form](#).

Sexual Assault Prevention. The LoboRESPECT Advocacy Center offers various resources and training presentations on sexual assault prevention. Topics include [consent](#), [active bystander intervention](#), [healthy and unhealthy relationships](#), and [avoiding dangerous situations](#).

ACTIVE BYSTANDER INTERVENTION EDUCATION

A bystander is a person who observes a 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 make a situation worse. 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 "Could I play a role here?"
 - If no one intervenes, what will likely happen?
 - Is someone else better equipped to respond?
 - What would be my purpose in responding?
3. Assess your options for providing help. Use your words; don't use violence to end violence.
4. Determine the potential risk(s) of taking action.
 - Are there risks to myself and/or others?
 - Is there a low-risk option?
 - How could I reduce risks?
5. Determine how to implement your choice(s) safely.

Protect the Pack!



RISK REDUCTION STRATEGIES

All members of the UNM community are encouraged to develop sound decision-making habits and lifestyles that enhance their safety and that of those around them. Anticipating and reducing risks empowers all individuals to take responsibility for their own safety and security, lessening their potential to be a victim of sexual assault, domestic violence, dating violence, stalking, and other crimes.

The following is a list of tips individuals can use to help reduce their risk of being the target of crime at UNM. These tips are also embedded in the various safety, security, and crime prevention programs, courses, and tabling events available and/or mandatory for new and current students and employees.

The reminders included below are not intended to cast blame on individuals who do become or have been victims of crime. The person who commits a crime is the only one responsible. The tips that follow are intended as strategies for reducing individuals' risks for being targeted.

Personal Safety and Sexual Assault Prevention Tips:

- Exude confidence--walk upright, make eye contact, face others directly, and speak clearly.
- Be aware of how alcohol, prescriptions, and illegal drugs may affect or impair you—especially in a social setting.
- Avoid unlit areas. Some criminals break lights on purpose.
- Always avoid walking or running with earbuds and be aware of your surroundings.
- Communicate with your office, friends, or family about your whereabouts. The [Lobo Guardian app](#) allows you to set a safety timer and status for friends and family so they can check in on you. It also serves as a blue light emergency phone and easily place a call to the police if you find yourself in an unsafe or emergency situation.
- Be aware of personal information you broadcast on items like car decals, jewelry, bags, and license plates.
- When interacting with others, pay attention to how they act--not just what they say.
- Carry a cell phone. Keep track of addresses, street names, and landmarks nearby so you can quickly tell someone where you are if you need to call for help.
- Never, ever, leave your drink unattended. If you do leave your drink unattended for any amount of time in a social setting, get a new one and watch all your drinks being prepared or opened. One option to avoid being served an unknown drink or drug is to bring your own alcohol and drink only it. That way, you will know what is in it and how much you have consumed.
- Some of the drugs predators use to incapacitate their targets do not show obvious signs. A person under the influence of Rohypnol (or “roofies”), for instance, might appear to be acting completely normal and may even reassure their friends they’re ok to be left alone. Make a pact with your friends when you go out to a party, restaurant, or event to come back home together.
- If all an attacker wants is your bag or other material possession, let it go and call the police.

- Wear clothing that is non-restrictive. Keep a second pair of shoes in your car in the event you end up in an unfamiliar or unsafe area.
- Never give out your personal phone number, address, family or travel plan details to a stranger or someone you do not trust.
- Avoid offers of unsolicited help and anyone who does not take "no" for an answer if you decline their help.
- Avoid opening or closing an office or classroom alone. Pair up with someone to study or work late or let others know where you are and when to expect you back.
- Walk with others after dark or use UNM's [Campus Escort Service](#).
- Never prop doors to residence halls or other campus facilities open or let others piggyback behind you as you key or fob in.
- Follow your instincts. If something does not seem right, follow your gut and go to a safe location.
- Always report suspicious activity to the UNMPD by calling 505-277-2241.

Travel and Transportation Safety:

- Do you have SDS (Sitting Duck Syndrome)? The second you get into a vehicle, lock the doors. Otherwise, you are a vulnerable target for anyone with bad intentions—especially if they saw you leave the pharmacy with prescriptions, the ATM with cash, or the Bookstore with Lobo merch!
- Keep your gas tank at least half-full at all times to avoid having to stop in an unfamiliar or unsafe place to fill up.
- Limit the amount of time you spend waiting on a train platform or at a bus stop and always have your fare and/or ID in hand.
- Plan your trips and familiarize yourself with the areas in which you will be to avoid ending up in an unfamiliar or unsafe area.
- When riding the bus, sit close to the driver and make sure they see you. If anyone bothers you on the bus, yell loudly at them to stop, bringing attention to other riders and the driver.
- When approaching your vehicle or home, carry your key in hand. Make it a habit to lock the doors immediately once you close the door.
- Park in well-lit areas that are monitored or have heavy foot traffic. Consider backing into your parking space so it is easier to exit the area quickly if you need to.
- Keep doors locked and windows up when making frequent stops, and always when pumping gas.
- Keep your gas tank at least half-full to avoid having to stop in an unsafe location.
- If you are approached while in your vehicle and feel as if you are in danger, stay inside with the windows up and doors locked. Call the police, leave the area, or both.
- Never accept rides from or offer rides to strangers, and report hitchhikers to the police.
- 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.

- Never leave personal items or valuables unattended.
- 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.
- Park in well-lit locations, preferably those that are witness-rich and free from visual obstacles that may block your line of sight while entering or exiting your vehicle.

Reducing Risk at Home:

- Never leave rocks or other loose, heavy objects near glass doors or windows. Having them nearby makes it tempting and easy for someone to pick one up and use it to break the glass.
- Be aware of things around your home that could serve as natural climbing devices. A few examples are tall trees, ladders, fencing, or vehicles. Keep all your home's windows locked (or pinned so they only open a certain amount) at all times—regardless of which story they are on.
- Never store your spare key around your home or in/on one of your vehicles. Instead, ask a neighbor you trust to hang on to your spare key. Preferably, the neighbor is one who is frequently home and likely to be available whenever you might need your key. Change or rekey your locks every time you move into a new home or apartment, or when the security of your keys gets compromised.
- Keep exterior windows and doors locked at all times, even when you are home to avoid becoming a victim of opportunistic assault by a burglar.
- Make sure every exterior door on your home has a high-quality, working light above it.
- Flowers, tall grass, and other attractive ground cover can help keep people off areas where you do not want them to walk, drive, or park. Trim shrubs down to a height no taller than two feet (2') and tree branches are pruned up to a height no less than eight feet (8') off the ground. You can also apply this rule of thumb to spaces around your home's doors and windows, where you park, and near amenities you use regularly, such as a mailbox. Keep shrubs and trees pruned away from windows, doors, lights, and cameras.
- Ask a trusted neighbor to help make your home look occupied while you are away on vacation or other travel.
- Make it obvious to visitors which door you want them to use. You can do this with elements like low walkway safety lights, low shrubs, potted plants, pavers, or other decorative items along the walk leading up to the front door.

Reducing Risk Online:

- Avoid broadcasting personal details about issues you are having in your personal life. Oversharing makes you vulnerable to bad actors, like human traffickers and stalkers who are looking for victims to target. NEVER broadcast information...
 - ...about your whereabouts or routines
 - ...about problems at home
 - ...about your relationship troubles

...about financial problems

...you wouldn't want someone else to pass forward

- If you decide to meet someone in person who you met online, have a safety plan in place. Meet in a public place or with a group of your friends. Let others know what your plans are and when you'll be back so they can check on you. The [Lobo Guardian app](#) allows you to set a safety timer and status for friends and family so they can check in on you. It also serves as a blue light emergency phone and easily place a call to the police if you find yourself in an unsafe or emergency situation.
- Be an awesome friend and if you can't, then be a good human. If someone expresses concern about someone they met online or in person, listen.
- Take steps to [avoid becoming a victim of sexual exploitation](#)
- Only use secure websites with urls beginning with [https://](#), especially when purchasing something online.
- Never give your personal information to untrusted sources.

Prescription Medication Safety:

- Avoid broadcasting the types of medicine that are prescribed to you.
- Consider securing narcotics in a locked cabinet to reduce the possibility of theft.
- Before leaving the pharmacy, conceal all your medications in a purse, bag, or jacket.
- Never leave prescriptions or pharmacy bags in plain sight in your vehicle or home.
- Use a dark marker to black out your name and the type of medicine you had when you throw away empty prescription bottles. This can prevent trash pickers from knowing what you have in your home or stealing your personal information.
- Be open to the possibility that in some cases, even a member of your family, a casual visitor, or an employee could be or is the one trying to steal your medication.
- If you have been a victim of medication theft, contact law enforcement and your physician right away. Don't be ashamed to ask for a refill – your doc prescribed it for a reason.

HOW & WHEN TO REPORT AN EMERGENCY & OTHER CRIMES

REPORTING AND GETTING HELP IN AN EMERGENCY

In an emergency, anyone experiencing or witnessing a crime should dial 911 or 505-277-2241 to reach UNMPD directly.

Dialing 911 from a campus telephone automatically connects the caller to UNMPD's Communications Center (dispatch). If a cell phone is used to dial 911, the APD Communications Center receives the call who swiftly transfers the call to UNMPD if they learn the incident is occurring on campus. The 911 system automatically traces the location of all incoming calls, which enables officers to respond even when a caller cannot provide the location.

When placing a 911 call from any phone outside of the Albuquerque metropolitan area, the 911 system will connect the caller to the law enforcement agency located within the area the call is being placed.

Special telephones that provide emergency services for individuals who are deaf or hard-of-hearing are placed at various locations on the UNM campus. UNMPD receives training on how to operate and handle calls they receive through the Telephone Device for the Deaf (TDD). The TDD service is available 24 hours a day, seven days a week by calling 505-277-0888.

Blue light emergency telephones, which are direct lines to UNMPD's dispatch center, are located strategically throughout campus. Anyone experiencing or is witness to any emergency (criminal activity, fire, or medical crisis) can activate this phone by pressing the red button on any of the towers. A UNMPD dispatcher will answer the telephone promptly and communicate with the individual through the telephone's speaker. The blue light over top of the telephone will flash for the duration of the call to help emergency personnel locate the caller. Blue light emergency telephones can only place calls to UNMPD dispatch and are not capable of making other calls. They are designated for emergency use only and labeled accordingly.

Upon receiving a request for assistance, UNMPD will dispatch officers to the location of the incident to assess the situation, ensure the safety of the parties in need of assistance, and investigate where appropriate. When necessary, UNMPD may request aid from a partnering agency.

UNM encourages all members of the campus community to store UNMPD's and other agencies' phone numbers as contacts in their mobile phone or have them readily available in the event of an emergency.

REPORTING PAST CRIMES TO THE POLICE

UNM strongly encourages any member of the UNM community who is the victim of, or witness to, **any** crime to promptly and accurately report the incident to UNMPD (505-277-2241) if it occurred on Main Camps, and to RRPD (505-891-7226) if the incident occurred at the UNM Health Sciences Rio Rancho Campus. UNM

encourages all individual to report a crime to the police when the victim of a crime elects to, or is unable to, make such a report.

Crimes committed off UNM's Main Campus should be reported to the police agency: APD (505-242-COPS or 505-242-2677) or BCSO (505-468-7100).

Police Reports as Public Information

Under New Mexico law, the original entry police report must be made available for review by the public upon request. Supplemental police reports that detail the investigation and including the names of the parties involved are not available for public inspection during a police investigation. Following the closure of a UNMPD investigation, the Department maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

REPORTING CRIMES TO CAMPUS SECURITY AUTHORITIES (CSAS)

In addition to, or in lieu of, reporting a crime to the police, members of the UNM community have the option of reporting a crime to one of UNM's many Campus Security Authorities (CSAs) on campus.

The role of Campus Security Authorities (CSAs)

CSAs are defined under the Clery Act as individuals at UNM who, because of their function for the University, have an obligation to notify UNMPD of alleged Clery Act crimes that are reported to them in good faith, or alleged Clery Act crimes that they may personally witness. CSAs are defined by their University function, not by job title.

The Clery Act defines four categories of CSAs:

1. Campus police or security department. All members of the UNM Police Department are CSAs. Security officers at the UNM Health Sciences Rio Rancho Campus are also CSAs.
2. Any individual who is responsible for campus security in some capacity, but who is not a member of UNMPD. This includes parking facility attendants, persons monitoring access to UNM events, UNM Hospital security, and **Student Safety**.
3. Any individual or office at UNM identified in a University policy as an individual or office to which crimes should be reported
4. University officials and others who have significant responsibility for student and campus activities

The following list identifies some of the UNM departments with dedicated CSAs to which individuals can report crimes. Reporters can also make reports directly to individual CSAs, such as coaches, student activities advisors, or resident advisors (RAs).

Department with CSAs	Phone and/or Email	Physical Address
University of New Mexico Police Department (UNMPD)	Phone: 505-277-2241 Email: police@unm.edu	West end of Hokona Hall 2500 Campus Blvd NE Albuquerque, NM 87131
UNM Hospital Security	Phone: 505-272-2160	2211 Lomas Blvd NE Albuquerque, NM 87106
Office of Compliance, Ethics & Equal Opportunity (CEEO)	Phone: 505-277-5251 Email: ceeo@unm.edu	609 Buena Vista Dr NE Albuquerque, NM 87131
Dean of Students Office	Phone: 505-277-3361 Email: doso@unm.edu	University Advisement and Enrichment Center Room 281 Albuquerque, NM 87131
Student Activities Center (SAC)	Phone: 505-277-4706 Email: sac@unm.edu	Student Union Building 1018 Albuquerque, NM 87131
Athletics	Phone: 505-925-5835	Colleen J. Maloof Administration Building 1414 University Blvd SE Albuquerque, NM 87106
Residence Life and Student Housing (RLSH)	Phone (24/7 Help Desk): 505-277-2606 Email: housing@unm.edu	2700 Campus Blvd NE Albuquerque, NM 87106
American Campus Communities (ACC): Lobo Village	Phone: 505-925-5575 Email: lobovillage@americancampus.com	1200 Avenida César Chávez Albuquerque, NM 87106
American Campus Communities (ACC): Casas del Rio	Phone: 505-277-1619 Email: casasdelrio@americancampus.com	420 Redondo East Albuquerque, NM 87106
Global Education Office (GEO)	Phone: 505-277-4032 Email: geo@unm.edu	2120 Mesa Vista Hall Albuquerque, NM 87131
National Student Exchange Office	Phone: 505-277-3361 Email: doso@unm.edu	University Advisement and Enrichment Center Room 281 Albuquerque, NM 8713

Many other UNM officials, such as deans, faculty sponsors of officially recognized student groups, and staff in leadership roles, are also CSAs based on their job duties. The idea behind CSAs is that not all crimes on campus are reported to the Police Department. A student, for example, who is the victim of a crime may feel more comfortable telling his or her resident advisor or athletics team coach. The Clery Act requires colleges and universities to collect crime reports from all individuals and offices who are CSAs in order to present complete and accurate data to the campus community and respond to safety issues.

The role of CSAs is to record any information of alleged Clery Act crimes that are reported to them or that they may personally witness and promptly submit that information through the online reporting form on the [CSA website](#).

Once a year when the annual Clery Act crime statistics are being compiled for publication, CSAs will receive a survey form asking whether any crimes were reported to the CSAs. The Clery Coordinator will distribute the survey form to CSAs from the Albuquerque campus and the Clery staff will distribute the survey form to CSAs not from the Albuquerque campus. CSAs must complete and return the survey form as directed.

The role of a CSA is not to investigate the allegation and decide whether a crime took place—that is the function of law enforcement. A campus CSA should not try to apprehend the alleged perpetrator of the crime. That, too, is the responsibility of law enforcement. It is also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so. A CSA's charge is to transmit information about alleged crimes to the Clery Coordinator and, if not from the Albuquerque campus, to Clery staff for appropriate follow-up. A CSA may also provide information to a victim of an alleged crime about resources available to assist him or her.

CSAs are required to complete Clery Act training during the first year they serve as CSAs. The training is coordinated by the Clery Coordinator and can be taken via an online module through Learning Central or on UNM Police Department website. The Clery Coordinator also offers in-person training classes for CSAs. In particular, the Clery Coordinator will coordinate an annual mandatory training on counting, collecting, and classifying crime statistics for designated staff from the Dean of Students Office, Health Sciences Center, Residence Life, and American Campus Communities.

Identifying CSAs will be coordinated by the Clery Coordinator and Clery staff. Because personnel and job duties change, someone who is a CSA one year may not be a CSA the following year, and vice versa. Identifying CSAs requires knowledge of the functions performed by employees in each department. Therefore, all UNM vice presidents, deans, department chairs, and other unit heads shall assist the Clery Coordinator and Clery staff in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

UNM's compliance with the Clery Act depends on the cooperation of CSAs. A CSA who fails to fulfill his or her responsibilities in that role is violating this policy and may be subject to disciplinary action.

Roles that are Exempt from CSA Designation

Pastoral counselors and professional counselors are considered exempt under the Clery Act from sharing crime reports they receive, unless there is a health and/or safety issue that legally permits sharing beyond a counselor.

Health and Counseling Center	Phone	Physical Address
Student Health and Counseling (SHAC) <i>Licensed counselors only</i>	505-277-3136	Student Health and Counseling Building 73 Albuquerque, NM 87131
Counseling, Assistance & Referral Services (CARS)	505-272-6868	1800 Mesa Vista Rd NE Albuquerque, NM 87106

Professional counselors at SHAC and CARS are not CSAs, thus crime reports made to counselors by UNM students, faculty, or staff are not disclosed by these counselors to UNMPD or the Clery Coordinator for inclusion in the ASFSR.

However, professional counselors at SHAC (when informed about crimes involving students) and CARS (when informed about crimes involving students) must inform the individual receiving counseling of the procedures for reporting crimes to law enforcement, a CSA, or CEOO. Professional counselors at SHAC are also required to inform students of voluntary confidential reporting options at designated advocacy and support sites. Similarly, professional counselors at CARS are required to inform faculty or staff of the same.

ANONYMOUS AND CONFIDENTIAL REPORTING OPTIONS

UNM urges any individual who has experienced a crime or has knowledge about a criminal incident to make an official report to UNMPD at 505-277-2241 for incidents that took place on Main Campus, or to RRPD 505-891-7226 for incidents that took place at the UNM Health Sciences Rio Rancho Campus. All members of the UNM community, to include faculty, staff, students, parents, and visitors, are also encouraged to report incidents of crime, bias/hate, sexual misconduct, stalking, domestic violence, dating violence, and discrimination to CEOO (505-277-5251) for statistical reporting and Title IX investigations.

However, UNM recognizes that some individuals may want to speak with someone anonymously about their reporting options and access to support before deciding whether to report the incident. To meet this need, UNM offers confidential reporting and support sites for students, faculty, and staff.

Staff in these centers are designated CSAs and must report the nature, date, and general location of any Clery-related incident to the Clery Coordinator in a timely manner for timely warning and statistical reporting

purposes. However, staff is not required to provide any identifying information of an individual who utilizes the services of any of the confidential resource centers and will respect the reporter's anonymous unless consent is given to disclose their identity to the Clery Coordinator.

Confidential Support and Crime Reporting Options for Students

UNM offers the following as confidential reporting and support sites for students on any of UNM's campuses who have experienced any type of crime or incident involving misconduct.

Confidential Resource Center	Phone Number and Email	Physical Address
LoboRESPECT Advocacy Center (LRAC)	Phone: 505-277-2911 Email: loborespect@unm.edu	University Advisement and Enrichment Center Room 262 Albuquerque, NM 87131
Women's Resource Center (WRC)	Phone: 505-277-3716 Email: women@unm.edu	Mesa Vista Hall 1160 Albuquerque, NM 87131
LGBTQ Resource Center	Phone: 505-277-LBGT (5428) Email: lgbtqrc@unm.edu	919 Las Lomas Rd NE Albuquerque, NM 87131
Vassar House (UNM Health Sciences Center)	Phone: 505-277-3716 Email: vassarhouse@salud.unm.edu	917 Vassar Dr NE Albuquerque, NM 87106
Learning Environment Office (LEO) (UNM Health Sciences Center)	Phone: 505-272-7867 Email: hsc-leo@salud.unm.edu	Reginald Heber Fitz Hall Rm 106 Albuquerque, NM 87106

Confidential Support and Crime Reporting Options for Faculty and Staff

UNM offers the following as confidential reporting and support sites for faculty and staff on UNM's Main Campus and UNM Health Sciences Rio Rancho Campus who have experienced any type of crime or incident involving misconduct.

Department	Phone and Email	Physical Address
Ombuds Services for Staff	Phone: 505-277-2993 Email: ombuds@unm.edu	1800 Las Lomas Rd NE Albuquerque, NM 87131
Ombuds Service For Faculty	Phone: 505-277-3212 Email: ombudsfac@unm.edu	1800 Las Lomas Rd NE Albuquerque, NM 87131
Counseling Assistance & Referral Services (CARS)	Phone: 505-272-6868 Email: cars@unm.edu (<i>No confidential information, please</i>)	1800 Mesa Vista Road NE Albuquerque, New Mexico 87106

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 staff and their supervisors or coworkers. They listen respectfully and emphasize collaboration and fair consideration of all sides of an issue.

Whether or not anonymity is requested, information someone provides at a confidential reporting site will be treated confidentially. It will only be shared on a need-to-know basis and as authorized under University policy and applicable federal and state law.

Confidential and Voluntary Online or Telephone Crime Reporting Sites

The following list contains information for sites and resources on campus where someone can make a report of a crime or other misconduct anonymously. Once information involving any Clery crime is received through these avenues, the Clery Coordinator is made aware and uses the information a reporter provides to determine whether UNM needs to include the report in its annual statistics. 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's 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 app store. Users can find more assistance for downloading this application through [UNM FastInfo](#).
- EthicsPoint [online report](#)
- EthicsPoint Compliance hotline (1-888-899-6092)

UNM'S PROCEDURES IN THE EVENT A STUDENT IS MISSING

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 any amount of time.

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.

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 and that of their emergency contacts are current and accurate and have the opportunity to update their point of contact annually.

Missing Student Notification Procedures

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, regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.
- 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.

EMERGENCY CONTROL, EVACUATION, & NOTIFICATION PROCEDURES

The University of New Mexico has an obligation to conduct its educational, business, clinical, and support activities on a regular basis and will remain open unless conditions exist that endanger the University community or impact the ability to operate. This policy describes the response of the University during such an event, which shall be referred to as an “incident.” In cases of a weather related emergency, this policy may supplement [UAP 3435 \(“Inclement Weather”\)](#).

This policy describes the responsibilities of staff, faculty, and students at University entities in Albuquerque during an incident. Although this policy is specifically designed for the Albuquerque campus, in the event of an emergency at any of the branch campuses or at the UNM Health Sciences Rio Rancho Campus, main campus Emergency Operations Center personnel are ready to provide support and technical assistance (see also Section 2.1 below).

EMERGENCY CONTROL

The University will conduct incident response in accordance with national standards, such as those established by the [National Incident Management System \(NIMS\)](#), the [National Response Framework \(NRF\)](#), and the [Incident Command System \(ICS\)](#).

Emergency Operations Plan

To minimize the adverse effects of an incident, the University has developed an Emergency Operations Plan (EOP) to serve as the framework for incident response. The EOP will be implemented when the University or its surrounding community has been subjected to an incident that exceeds, or has a negative impact on, the resources normally available.

The UNM Emergency Manager coordinates, maintains, and exercises the EOP. Any University department that identifies a need for a plan specific to its operation must work with the UNM Emergency Manager to assure that its plan is coordinated and updated with the University’s EOP.

Branch campuses and UNM Health Sciences Rio Rancho Campus shall maintain an EOP and work with the UNM Emergency Manager to coordinate and integrate their plans with the University’s EOP.

Emergency Management Committee

The UNM Emergency Management Committee (EMC) is chaired by the Senior Vice President for Finance and Administration and composed of representatives appointed by the chair from major areas of the University. The Committee reviews incidents, plans, exercises, and provides recommendations to help ensure that the University is prepared to deal with any incident.

Emergency Operations Center

Support of incident response under the [Incident Command System](#) will be centralized in an Emergency Operations Center (EOC). The primary role of an EOC is to bring together all relevant information about the incident in one place, organize that information into a useful format, and facilitate the coordination of resources needed to respond to the incident. The EOC will be located away from the areas of highest activity so as to avoid interference with their operations, yet the EOC will be close enough to provide reasonable access to current information. The EOC is equipped with redundant forms of communication, capable of twenty-four (24) hour operations, and secured from unauthorized access. Both a primary EOC and back-up location have been designated.

Activation of the EOC may occur under any of the following circumstances:

- the size of the incident requires logistical support beyond that available on-scene;
- the incident is of long duration; or
- the magnitude of the incident requires external resources or implementation of unified command.

Emergency Declaration and Immediate Response

Individuals who encounter an emergency situation should take immediate steps to protect themselves, notify nearby endangered people, and call 911 to initiate the University's emergency response systems. If the UNM Police Department determines that the situation may become an incident, it will notify the Senior Vice President for Finance and Administration (or designee). The Chief of Police and the Senior Vice President for Finance and Administration will immediately decide if an incident will be declared.

If an incident is declared, the Senior Vice President for Finance and Administration will notify the University President and the EOP will be implemented. Depending on the nature of the incident, the Police will notify the appropriate individuals listed in the EOP.

Director of EOC and Authority to Allocate Resources

The University President has designated the Senior Vice President for Finance and Administration as the EOC Director. The EOC Director is authorized to implement whatever measures are necessary to protect life and property from the effects of an incident. This includes the commitment and use of University personnel, equipment, and financial resources, and calling for assistance from other organizations, as may be required to cope with the incident. Only the University President can modify the EOC Director's emergency control orders.

Work Schedules During Emergency

The effectiveness of UNM emergency control depends upon the total support and rapid response of all personnel. The EOC Director will determine which employees play a critical role in emergency control and which employees are required to leave their worksite for safety reasons. These decisions are made on a case-by-case basis and may affect only a portion of the University. Employees not affected by the incident will remain at their normal duty stations and follow their normal work schedules.

Critical Employees

Employees designated as critical are expected to give their full support and attention to emergency control. They will be paid for hours worked, including overtime for non-exempt employees if forty (40) hours per work week is exceeded. In addition, to acknowledge their dedication and support both exempt and non-exempt employees will be granted additional compensatory time off, at the straight-time rate, for actual hours worked during the incident. Compensatory time taken in such cases is not considered time worked for overtime compensation purposes. If, due to the nature of the incident, compensatory time cannot be taken in accordance with the time limits listed in Section 2.3 of [UAP 3310 \("Compensatory Time"\)](#), an extension may be approved by the cognizant dean, director, or department head.

Non-critical Employees Required to Leave the Work Site

Employees required to leave their worksite for safety reasons will report their time off as paid administrative leave. This time is not considered time worked for overtime compensation purposes. Employees on previously approved sick or annual leave or on a shift assignment or working in an area not affected by the incident are not eligible for the paid administrative leave.

Final Exam Week

If emergency control is enacted during final exam week resulting in the cancellation of an exam, instructors may elect one of the following options:

- Assign as final grades the current grades that students have going into final exam week.
- Make provisions for students whose exams are canceled to contact them for the re-scheduling of a make-up exam or alternative arrangements.
- As a last resort, choose to assign incomplete grades.

EVACUATION PROCEDURES

Before an emergency occurs:

- Learn the locations of:
 - Fire alarm pull stations and/or fire extinguishers.
 - Areas of refuge (specified areas designed to withstand the passage of smoke or fire for a required time)
 - Areas of rescue (specified areas where mobility impaired individuals can await rescue from emergency responders)
- Learn evacuation routes from different areas of the building.
- Develop a plan and specify a location where all occupants can meet away from the building to help ensure everyone is accounted for.

If an evacuation is ordered:

- Stop what you are doing and immediately proceed to the nearest exit.
- Use stairs to evacuate above and below ground level.
- Close doors behind you as you leave. If there is a fire or chemical release, this will help contain it within the enclosed area.
- Provide assistance to customers, clients, patients or others who may need it.
- Proceed as quickly as possible to the designated evacuation location for your building or department. UNM recommends that this be at least 100-150 feet away from the evacuated building.
- Do not return or re-enter the building until you are given official authorization to do so.

ANNUAL EMERGENCY RESPONSE SYSTEMS TESTING

Testing of the Emergency Notifications (Alerts) process occurs periodically, as follows:

- 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 emergency situations.
- 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 understand their effectiveness and evaluate the goals of each test.
- The UNM siren system, email, text, social media, and UNM webpages will be tested once every semester to test functionality. UNM's Emergency Management team advertises these exercises in advance. Now is a good opportunity to log into the Lobo Alerts System using your UNM NetID and password to verify your contact information and preferences.

If the siren sounds and there was no notice that there would be a test (beginning of the semester, Tuesday, 11:02 am), consider it REAL. Heed the warning and do as instructed.

There are certain circumstances where it is safer to be inside rather than outside. If the "Shelter in Place" order is given and/or the campus warning siren sounds:

- Immediately get inside the nearest building and proceed to an interior room or hallway.
- Stay away from glass doors and windows.
- Monitor text message alerts, UNM email, or the UNM webpage for further information and updates.
- Stay calm and stay put unless there is an immediate need to leave (that is, there is a visible fire, or you find yourself in a life-threatening situation).
- Precisely follow all instructions from law enforcement or emergency response personnel.

Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year

The Emergency Manager maintains documentation for each test along with a description of the exercise, the date, time, and whether it was announced or unannounced.

EMERGENCY MANAGEMENT AT UNM HEALTH SCIENCES RIO RANCHO CAMPUS

UNM's Office of Emergency Management (OEM) is responsible for assisting with and coordinating the University's overarching mitigation, preparedness, response, and recovery programs. To meet this obligation, OEM assists departments and campuses—to include the Health Sciences Rio Rancho Campus—with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard and risk education, and building partnerships with external response agencies.

Each campus within the UNM system maintains an emergency management program. Within the context of these programs, each campus develops, maintains, and distributes emergency response procedures to students and employees. Each campus maintains and distributes these procedures in using their own protocols. Some campuses post the information in hallways and classrooms, while others have this information available on their websites.

In addition to posting emergency response information for Main Campus on its website, pamphlets and brochures with the same information are available at UNMPD and Rio Rancho's Security office.

NOTIFICATIONS (EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS)

In the event of a substantiated serious safety concern, either on campus property or in the near vicinity of the campus, UNM makes numerous and diligent efforts to advise members of the campus community as well as the

larger community. The University takes its duty seriously and makes diligent efforts to advise members of the campus community of threatening situations and how they can best protect themselves from harm.

UNM's Clery Act Compliance policy requires that the institution:

- Issue Emergency Notifications for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the applicable UNM campus.
- Issue Timely Warnings to alert the campuses of Clery Act crimes that occur in Clery geography and pose a serious or continuing threat to the applicable campus community. Timely Warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow members of the campus community to protect themselves and prevent similar crimes from occurring.

Types of Situations of Situations that May Prompt a Notification

UNMPD and the Clery Coordinator may decide to issue an Alert or Advisory for the following types of incidents or situations:

- Emergency situations that are life threatening. Examples include, but are not limited to:
 - Persons with weapons with intent to use
 - Threat of violent crime
 - Situations where the identity of a suspect(s) is not known
 - Assault (physical or sexual)
 - Approaching extreme weather
 - Armed intruder
 - Bomb threat
- Any act or immediate threat of interpersonal violence. Examples include, but are not limited to:
 - Domestic or relationship situations
 - Hate crimes
 - Consistent pattern of violent behavior
- Serious acts or threats to campus-owned or personal property
- Situations where serious injury may or have occurred. Examples include, but are not limited to:
 - Building collapse
 - Fire
 - Hazardous material spill

- Situations that cause major disruption to campus operations. Examples include, but are not limited to:
 - Transformer fire
 - Weather-related situation
 - Power outages
 - Water emergencies
 - Serious health-related outbreak
 - Riot
 - Terrorist incident

- Clery Act crimes which represent a serious or continuing threat to the person and or property of students and employees. Examples include but are not limited to:
 - Homicide
 - Sex Offense
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor vehicle theft
 - Arson
 - Hate crimes

Emergency Notification (Alert)

Under the Clery Act, an Emergency Notification (Alert) notifies the UNM Main and UNM West campus community of any significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. Emergencies should be reported to the UNM Police Department by calling 911.

Timely Warning (Advisory)

When a Clery Act crime is committed within the University's Clery Geography (to include the UNM Health Sciences Rio Rancho Campus) and the situation poses a serious or continuing threat, the UNM Police Department will issue a Timely Warning (Advisory) that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar crimes on the UNM Main Campus or UNM Health Sciences Rio Rancho Campus. A 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 that will promote safety and aid in the prevention of similar crimes. Additional updates may be issued as the situation evolves.

Institutional Response to a Report of an Emergency or Serious or Ongoing Crime

When a member of UNMPD becomes aware that one of the above listed offenses or incidents has occurred, they shall notify the Patrol Lieutenant. The Patrol Lieutenant will review the circumstances of the incident with the Operations Commander, request approval for the Lobo Alert or Advisory if they determine one is needed, and complete the Advisory and Alert Assessment Form.

UNMPD will forward Advisory and Alert Assessment Forms to the Clery Coordinator within 48 hours of issuance. The Clery Coordinator is responsible for maintaining all supporting documentation for Timely Warnings.

The decision to issue a Lobo Alert or Advisory is made in coordination and consultation by the Chief of Police or designee, UNM Emergency Manager, and the Clery Coordinator. In an extreme emergency, the notification process will be implemented at the sole direction of the Chief of Police or designee.

UNMPD, in collaboration with the Clery Coordinator, will without delay take into account the safety of the campus community, determine what information to release about the situation, and begin the notification process. At times, UNMPD may decide not to issue a notification. The reason for not informing the public of a confirmed emergency or dangerous situation would be if, in their professional judgment, they determine that doing so could potentially compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

If the decision is not to issue a Lobo Alert or Advisory, the reason in support of the decision must be articulated on the Advisory and Alert Assessment Form by the Patrol Lieutenant and approved by the Chief of Police or designee.

Once the decision is made to issue a Lobo Alert or Advisory, the Emergency Manager for the University or executive staff will be responsible for the content of the message and issuing the lobo alert or advisory.

UNM branch campuses also have designated officials to activate their Emergency Notifications and Timely Warnings in accordance with their own campus protocols. UNMPD can provide assistance with the Lobo Alert and Advisory System as needed.

Making the Decision to Issue an Alert or Advisory

When UNMPD learns of emergency situations and Clery crimes, it will consider whether to issue an Emergency Notification (Lobo Alert) or Timely Warning (Lobo Advisory) about the threat. A Lobo Alert or Advisory may be issued if, in the judgment of the Chief of Police or designee and the Clery Coordinator, a crime or potential crime constitutes a serious or continuing threat to the campus community. The decision of whether to issue a Lobo Alert or Advisory and the content of the warning

is decided on a case-by-case basis considering all the facts, including the nature of the crime, the continuing danger to the campus community, the promotion of safety, and the possible risk of compromising law enforcement efforts.

A decision as to whether to issue an **Emergency Notification (Alert)** and which segment(s) of the UNM community should receive the notice will be 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, and
- The nature of the threat, whether it is a general or specified threat.

Some examples of incidents that might warrant an Emergency Notification (Alert) include:

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

To justify the decision to issue a **Timely Warning (Advisory)**, an incident must:

- Involve a Clery Act crime;
- Occur within the Clery Geography, which includes:
 - On-campus (buildings on the Albuquerque Campus);
 - Non-campus (buildings not reasonably contiguous to the Albuquerque Campus, but which are leased or owned by the University of New Mexico); and
 - Public property (public property that is immediately adjacent to the Albuquerque Campus);
- Be reported to a Campus Security Authority (CSA) or local police authority (UNM is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor, who are exempt from CSA designation.); and
- Represent a serious or continuing threat to the students and employees on campus.

Some examples of incidents that might warrant a Timely Warning (Advisory) include:

- A rash of burglaries on campus
- A sexual assault occurred on campus and the offender has not been identified

- UNMPD becomes aware of a drug trafficking operation on campus
- An armed robbery occurred on a sidewalk adjacent to campus

A Timely Warning (Advisory) might not be issued if it could compromise the apprehension of a suspect, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

Notification Contents

The Alert of Advisory will contain the following information:

- A description of the incident including location, date, and time
- A physical description of the suspect, where appropriate
- A photograph or composite sketch if either is available and information in it is specific
- Any apparent connection to a previous incident(s), if applicable
- Information that will promote safety and potentially aid in the prevention of similar crimes (e.g., crime prevention or safety tips)
- UNMPD's contact information
- Other information deemed appropriate by the Chief of Police or designee

Notification Delivery Methods

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

- UNM email: To issue Emergency Notifications (Alerts) and Timely Warnings (Advisories)
- UNM website: To issue Emergency Notifications (Alerts) and Timely Warnings (Advisories)
- UNM siren system (strategically placed warning sirens): To warn the campus community of a current or impending emergency. Upon hearing a siren outside of scheduled testing events, individuals should shelter in place inside a building and look for further information through Lobo Alerts, UNM email, or the UNM website.
- UNM social media accounts
- Really Simple Syndication (RSS) feeds
- Text messages: To issue Emergency Notifications (Alerts) and Timely Warnings (Advisories). UNM automatically enrolls all faculty, staff, and students who provide a mobile phone number during registration or upon hire into receiving Lobo Alert text messages. In the event an employee or student does not provide a mobile phone number on their application or later changes their mobile phone number, they may continue to receive Lobo Alert text messages by updating their information at the Lobo Alerts website. UNM Community members can also sign up for Lobo Alerts through the UNM Guardian app website. In addition to generating text

message notifications, the app also has the ability to serve as a panic button, a safety timer, and an anonymous tip reporting line.

UNMPD provides any pertinent follow-up information about incidents for which it issues an Emergency Notification (Alert) or Timely Warning (Advisory) by UNM email, UNM social media, the UNM website, and Lobo Alert text messages for the campus community. Follow-up information is also available on UNM's [Campus Safety webpage](#) and UNM social media pages for both the campus community as well as the larger community.

POLICIES, LAWS & RESOURCES PERTAINING TO ILLEGAL DRUGS, ALCOHOL & WEAPONS ON CAMPUS

The [Drug-Free Schools and Communities Act Amendments of 1989](#) requires institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. This includes, at minimum, the following:

1. Creating and maintaining 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;
2. Distributing this policy to all students, faculty, and staff annually. 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, provided:
 - 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;
3. Adopting and implementing an alcohol and other drug prevention program; and
4. Conducting a biennial report review of the program's effectiveness, implementing changes as needed, and ensuring that the disciplinary sanctions are consistently enforced.

UNM's Campus Office of Substance Abuse Prevention conducts the University's Biennial Review of Drug Prevention Efforts. UNM's August 1, 2020 – July 31, 2022 Biennial Review of Drug Prevention Efforts is available through [COSAP](#).

UNM'S POLICY ON ILLEGAL DRUGS AND ALCOHOL

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of the commitment of The University of New Mexico 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 well-being of other employees, students and members of the general public; and conflicts with the responsibility of The University of New Mexico to foster a healthy atmosphere for the pursuit of education, research and service.

This policy covers all property owned, used, leased or controlled by the University of New Mexico, 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.

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 University of New Mexico community--faculty, staff or student--is strictly prohibited.

As a condition of employment, all employees—faculty and staff—of the University of New Mexico shall abide by the terms of this policy. Violation of this policy shall result in disciplinary action, up to and including dismissal. For more detailed information, faculty should refer to the Faculty Handbook and/or contact the Faculty Grants and Contracts Office. Staff may refer to the University Business Policies and Procedures Manual and/or contact the Human Resources Department.

As a condition of continued registration and enrollment, any student of The University of New Mexico shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion. For more detailed information, students should refer to the Student Code of Conduct and related policies printed in the UNM Pathfinder 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, The University of New Mexico 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 of New Mexico shall play no role in enforcing or instituting possible disciplinary action.

LEGAL SANCTIONS FOR THE UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL

The penalties for even the most minor of violations of the Liquor Control Act can include fines starting at \$500, confiscation of property, and imprisonment for up to eighteen months. More serious violations carry greater penalties, with larger fines and longer imprisonment.

Driving or using machinery after drinking or using drugs creates the risk that the user may injure or kill someone. This can result in homicide charges. License revocation and vehicle impoundment are also possible results of driving while under the influence of liquor or drugs. 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 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 detail federal and state sanctions for the unlawful possession or distribution of illicit drugs.

Federal Drug Laws

Drug/Schedule	Quantity
Cocaine (Schedule II)	500 - 4999 gms mixture
Cocaine Base (Schedule II)	5 - 49 gms mixture
Fentanyl (Schedule II)	40 - 399 gms mixture
Fentanyl Analogue (Schedule I)	0 - 99 gms mixture
Heroin (Schedule I)	100 - 999 gms mixture
LSD (Schedule I)	1- 9 gms mixture
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture
PCP (Schedule II)	10-99 gms pure or 100 - 999 gms mixture

Penalties:

First offense: Not less than five years, and not more than 40 years. 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.

Second offense: 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.

Drug/Schedule	Quantity
Cocaine (Schedule II)	5 kgs or more mixture
Cocaine Base (Schedule II)	50 gms or more mixture
Fentanyl (Schedule II)	400 gms or more mixture
Fentanyl Analogue (Schedule I)	100 gms or more mixture
Heroin (Schedule I)	1 kg or more mixture
LSD (Schedule I)	10 gms or more mixture
Methamphetamine (Schedule II)	50 gms or more pure, or 500 gms or more mixture
PCP (Schedule II)	100 gm or more pure, or 1 kg or more mixture

Penalties:

First offense: Not less than 10 years, and 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.

Second offense: Not less than 20 years, and 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.

Two or more prior offenses: Life in prison.

Drug/Schedule	Quantity
Other Schedule I & II Drugs (& any product containing Gamma Hydroxybutyric Acid)	Any amount
Flunitrazepam (Schedule IV)	1 gm or more

Penalties:

First offense: Not more than 20 years. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.

Second offense: Not more than 30 years. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual.

Drug/Schedule	Quantity
Other Schedule III drugs	Any amount
Flunitrazepam (Schedule IV)	30 - 999 mgs

Penalties:

First offense: Not more than five years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Second offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

Drug/Schedule	Quantity
All other Schedule IV drugs	Any amount
Flunitrazepam (Rohypnol) (Schedule IV)	Less than 30 mgs

Penalties:

First offense: Not more than three years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Second offense: Not more than six years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

Drug/Schedule	Quantity
All schedule V drugs	Any amount

Penalties:

First offense: Not more than one year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.

Second offense: Not more than two years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

State of New Mexico Drug Laws

Drug	Conditions/Quantity	Penalties: Prison and Fines
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	More than two and up to eight ounces More than eight ounces	≤ 1 yr. ≤ \$1,000 (Misdemeanor) ≤ 1.5 yrs. ≤ \$5,000 (4th degree Felony)
Marijuana - Distribution	1st Offense (≤ 100 lbs.) Subsequent Offenses (≤ 100 lbs.) 1st Offense (> 100 lbs.) Subsequent Offenses (> 100 lbs.)	≤ 1.5 yrs. ≤ \$5,000 (4th degree Felony) ≤ 3 yrs. ≤ \$5,000 (3rd degree Felony) ≤ 3 yrs. ≤ \$5,000 (3rd degree Felony) ≤ 9 yrs. ≤ \$10,000 (2nd degree Felony)
Marijuana - Distribution to a Minor (someone under the age of 18) by Someone Over the Age of 18	1st Offense Subsequent Offenses	≤ 3 yrs. ≤ \$5,000 (3rd degree Felony) ≤ 9 yrs. ≤ \$10,000 (2nd degree Felony)

HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND THE ABUSE OF ALCOHOL

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 dating 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 about the possible effects and health risks associated with the use of illicit drugs and alcohol, contact the Student Health Center Health Education Program (277-7947) or the UNM Campus Office of Substance Abuse Prevention (277-2795). The following chart (figure 3) lists the possible effects and health risks associated with the use of illicit drugs and controlled substances.

CAMPUS RESOURCES FOR ADDRESSING SUBSTANCE ABUSE

All members of the UNM community can play an invaluable role in helping themselves or others who are in distress. If you are concerned about the alcohol or other drug use of yourself or another, please contact one of the resources below. Confidential consultants, individual assessments and education are available.

Campus Resources for Faculty and Staff Experiencing Substance Abuse or Addiction

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, but rather to provide services for those who choose to request help with their problems. Your 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 teambuilding.

Resource Center	Phone	Physical Address
Counseling, Assistance & Referral Services (CARS)	505-272-6868	1800 Mesa Vista Rd NE Albuquerque, NM 87106
Human Resources	505-277-6947	1700 Lomas Blvd NE Albuquerque, NM 87131

Campus Resources for Students Experiencing Substance Abuse or Addiction

In addition to utilizing the resources below, anyone individual can also refer a student of concern to the [UNM Campus Assessment Response Education \(CARE\) Team](#). With representatives from the [Dean of Students Office](#), [Student Health and Counseling](#), [Accessibility Resource Center](#), [UNMPD](#), and other departments, the CARE Team helps address potentially difficult situations and provides students with tailored ideas and resources to alleviate their distress or disruptive behavior.

Health and Counseling Center	Phone and/or Email	Physical Address
Student Health and Counseling (SHAC)	505-277-3136	Student Health and Counseling Building 73 Albuquerque, NM 87131
Campus Office of Substance Abuse Prevention (COSAP)	Phone: 505-277-4108 Email: cosap@unm.edu	Mesa Vista Hall, 3 rd Floor Room 3057 Albuquerque, NM 87131

Other Campus and Community Resources

Campus/Community Resource	Phone and/or Email	Physical Address
AGORA Crisis Center	Phone: 505-277-3013 Email: agora@unm.edu	1820 Sigma Chi NE Albuquerque, NM 87131
Bernalillo County Health Council , a New Mexico Prevention service provider	Phone: 505-246-1638 Email: bchealthcouncil@gmail.com	220 Adams St SE, Suite A Albuquerque, NM 87108
Suicide & Crisis Lifeline (new)	Phone: 988	N/A
UNM Hospital Emergency Room	Phone: 505-272-2411	2211 Lomas Blvd NE Albuquerque, NM 87106
UNM Center on Alcohol, Substance Abuse & Addictions (CASAA)	Phone: 505-925-2300	2650 Yale Blvd SE Albuquerque, NM 87106
UNM Department of Psychology Clinic	Phone: 505-277-5164 Email: psych@unm.edu	1820 Sigma Chi NE Albuquerque, NM 87131

UNM Employee Wellness	Phone: 505-277-6947 Email: hrbenefits@unm.edu	1700 Lomas Blvd NE Albuquerque, NM 87131
UNM Center for Occupational Environmental Health Promotion	Phone: 505-272-2321 Email: unmsominfo@salud.unm.edu	915 Camino de Salud NE Albuquerque, NM 87106
Women's Resource Center (WRC)	Phone: 505-277-3716 Email: women@unm.edu	Mesa Vista Hall 1160 Albuquerque, NM 87131
UNM Adult Psychiatric Center	Emergency Services Phone: 505-272-2920 Psychiatric Urgent Care Phone: 505-272-9038 UNM Health Sciences Rio Rancho Campus Phone: 505-994-5000	Psychiatric Emergency or Urgent Care 2600 Marble Ave NE Albuquerque, NM 87106 Behavioral Health Clinic 2600 College Blvd NE Rio Rancho, NM 87144

UNM'S 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.

Items that UNM does allow on UNM Main Campus for self-defense purposes include:

- Pepper spray in a container no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than 10%
- Stun guns with a maximum amperage of 5 milliamps

The [UNM Weapons Policy](#) is provided in its entirety in the [UNM Pathfinder online](#). A print version of the UNM Pathfinder is available in the [Dean of Students Office](#).



CRIMES THAT INVOLVE SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE & STALKING

UNM'S POLICIES ON SEXUAL VIOLENCE AND MISCONDUCT

Administrative Policy 2740: Sexual Harassment Including Sexual Assault

The University of New Mexico prohibits discrimination on the basis of sex (including gender, sex stereotyping, gender expression, and gender identity). Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination. Sex discrimination is a violation of Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the New Mexico Human Rights Act, NMSA 1978, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14; the Student Code of Conduct; Regents' Policy 2.5; the Faculty Handbook; the Visitor Code of Conduct; and this [Administrative Policy 2740](#).

UNM is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, UNM has developed policies and procedures that provide a fair, prompt, and impartial process for those involved in allegations of harassment or discrimination on the basis of protected class status. UNM values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in what is often a difficult time for all involved.

For the purposes of this policy, sexual harassment, dating violence, domestic violence, and stalking are collectively referred to as "sexual harassment." Sexual harassment subverts the mission of the University and threatens the careers of students and employees.

As more fully described in Section 8, this policy applies to allegations of sexual harassment made by or against a student, staff, or faculty member that occur within the course of a UNM program or activity or have continuing adverse effects on campus. If the circumstances giving rise to the allegations are related to UNM's educational programs or activities, this policy may apply regardless of the affiliation of the parties to the University. The University is committed to responding promptly and fairly to every allegation of sexual misconduct. This policy addresses conduct that may be covered by Title IX, Title VII, the Faculty Handbook, University Administrative Policies and the Student Code of Conduct. Allegations may be covered by one or more of the aforementioned laws/policies.

Sexual harassment may be committed by anyone, including a stranger, an acquaintance, a friend, or someone with whom the reporting party (Complainant) is involved in an intimate or sexual relationship. Individuals who have experienced sexual misconduct are encouraged to report what happened to law enforcement and to seek assistance from any of the campus resource offices or community resources referenced in Section 2 of this policy. A report of sexual harassment will be taken seriously and addressed in accordance with UNM policies and procedures.

Administrative Policy 2720: Prohibited Discrimination and Equal Opportunity

The University of New Mexico is committed to providing a safe and inclusive environment that draws on the diversity of its members. The University prohibits discrimination, harassment, or related retaliation based on protected class (as defined in Section 2) in any educational and work environment. It is critical to this commitment that anyone who experiences, witnesses, or is aware of such discrimination, harassment, or retaliation report the behavior pursuant to this [Administrative Policy 2720](#).

Prohibited Discrimination

This policy applies to the programs and activities of UNM, to conduct that takes place on the campus or on property owned and controlled by UNM, a UNM sponsored events, or in buildings owned or controlled by UNM or UNM's recognized student organizations.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to UNM work or educational programs including cyber harassment.

Regardless of where the conduct occurred, UNM will address complaints filed pursuant to this policy to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial UNM interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of UNM.
- All vendors serving UNM through third-party contracts are subject to the policies and procedures of their employers (or to these policies and procedures to which
- Any member of the University community or visitors whose acts deny, deprive, or limit the educational or employment [or residential and/or social] access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of this policy.

Student of Code of Conduct

1. The University may take disciplinary action for an offense against the [Code of Conduct](#) when the offense occurs on University premises or at University-sponsored events, or when an offense which occurs off campus is such that in the judgment of the Dean of Students, failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety or welfare of the University community.

The term "student" includes both full-time and part-time students pursuing undergraduate, graduate or professional studies.

2. Appropriate disciplinary procedures and sanctions shall be applied to any student who commits, or attempts to commit, any of the following acts of misconduct:

2.1 Actions which have great potential for physically harming the person or property of others, including that of the University, or which actually result in physical harm, or which cause reasonable apprehension of physical harm.

2.2 Any type of sexual assault including rape.

2.3 Making false representations to the University, including forgery and unauthorized alteration of documents; unauthorized use of any University document or instrument of identification.

2.4 Academic dishonesty, including, but not limited to, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or without the University; and nondisclosure or misrepresentation in filling out applications or other University records.

2.5. Substantially interfering with the freedom of expression, movement or activity of others.

2.6. Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency. Misusing or damaging fire safety equipment on University premises.

2.7. Theft of property or of services. Possession of property that is known to be stolen.

2.8. Failure to comply with the lawful directions of University officials, including campus police officers and other law enforcement officials, acting in performance of their duties.

2.9. Willfully refusing or failing to leave the property of or any building or other facility owned, operated, or controlled by the University when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would

disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University.

2.10. Unauthorized presence in or use of University premises, facilities or property, in violation of posted signs, when closed, or after normal operating hours.

2.11. Illegal use, possession, or distribution of any controlled substance, illegal drug or alcohol.

2.12. Use or possession of fireworks on University premises or at University-sponsored events, unless expressly authorized in writing by the President.

2.13. Use, possession or storage of any weapon on University premises or at University-sponsored activities, unless expressly authorized in writing by the President. Weapon includes, but is not limited to, firearms, ammunition, bombs, explosives, incendiary devices, or other dangerous weapons, substances or materials.

2.14. Misusing University computing resources by intentionally making or receiving, accessing, altering, using, providing or in any way tampering with files, disks, programs, passwords or hardware belonging to other computer users without their permission.

2.15. Violation of published or posted University regulations or policies.

2.16. Aid to others in committing or inciting others to commit any act mentioned above.

2.17. Action(s) or conduct which hinders, obstructs or otherwise interferes with the implementation or enforcement of the Code of Conduct including failure to appear before any of the University's disciplinary authorities and to testify as a witness when reasonably notified to do so by an appropriate University officer.

2.18. Any other acts or omissions which affect adversely University functions or University-sponsored activities, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or otherwise affect adversely the processes of the University.

2.19. Violating the terms of any disciplinary sanction imposed in accordance with this Code.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING DEFINED

Any of the following four offenses meeting the Violence Against Women Act (VAWA)'s definition is considered a crime for the purposes of Clery reporting. They include **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**.

The four VAWA crimes may also constitute a criminal offense under the state laws of New Mexico. The table below provides:

- **VAWA definitions** (left-hand column) used to disclose Clery crime statistics in the ASFSR and
- **New Mexico state law definitions** (right-hand column) used in the event a victim chooses to pursue criminal prosecution outside of the University’s disciplinary process.

<p>Violence Against Women Act (VAWA) Definition</p> <p><i>Any of the following four offenses meeting the Violence Against Women Act (VAWA)’s definition is considered a crime for the purposes of Clery reporting.</i></p>	<p>New Mexico State Statute Definition</p> <p><i>Any of the following four offenses meeting New Mexico’s definition is considered a crime and is punishable under state law.</i></p>
<p>Sexual Assault</p> <p>An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”</p> <ul style="list-style-type: none"> • <i>Rape:</i> The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. • <i>Fondling:</i> The touching of the private 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 age or because of his/her temporary or permanent mental incapacity. • <i>Incest:</i> 	<p>Sexual Assault</p> <p>Sexual violence in the State of New Mexico 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.</p> <ul style="list-style-type: none"> • <i>Rape/Sexual Assault:</i> Non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object. • <i>Non-Consensual Oral Sex:</i> Non-consensual contact between one person’s mouth and the genitals or anus of another person. • <i>Sexual Contact/Battery:</i> 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. • <i>Sexual Coercion:</i> The act of using pressure, alcohol or drugs, or force to have <i>sexual</i> contact with someone

<p>Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</p> <ul style="list-style-type: none"> • <i>Statutory Rape:</i> Sexual intercourse with a person who is under the statutory age of consent. 	<p>against the individual's will and includes persistent attempts to have <i>sexual</i> contact with someone who has already refused.</p>
<p>Domestic Violence</p> <p>Felony or misdemeanor crime of violence committed—</p> <ul style="list-style-type: none"> • By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; • By 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; or • By 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. 	<p>Domestic Violence</p> <p>Under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act.</p> <p>New Mexico defines <i>domestic abuse</i> as an incident by a household member against another household member consisting of or resulting in:</p> <ul style="list-style-type: none"> • physical harm; • severe emotional distress; • bodily injury or assault; • a threat causing imminent fear of bodily injury by any household member; • criminal trespass; • criminal damage to property; • repeatedly driving by a residence or work place; • telephone harassment; • harassment; or • harm or threatened harm to children. <p>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.</p> <p>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</p>

	<p>experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.</p> <p>A person can be charged with a variety of criminal charges resulting from domestic violence.</p> <p>An order of protection, also known as a restraining order, can be filed by a victim of domestic violence, stalking or sexual assault (rape).</p>
<p>Dating Violence</p> <p>Any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim</p> <ul style="list-style-type: none"> The existence of such a relationship shall be 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. <p>For the purposes of this definition,</p> <ul style="list-style-type: none"> 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. 	<p>Dating Violence</p> <p>Under the 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.</p> <p>Any of the felony and misdemeanor crimes enumerated as domestic abuse in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.</p>
<p>Stalking</p> <p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—</p> <ul style="list-style-type: none"> Fear for the person’s safety or the safety of others; or Suffer substantial emotional distress. 	<p>Stalking</p> <p>Under New Mexico state law, Stalking consists of 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,</p>

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts 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.

confinement or restraint of the individual or another individual.

A "pattern of conduct" is two or more acts that happen on more than one occasion.

[\(NMSA 1978 Section 30-3A-3\)](#)

Stalking is more than someone following you, calling or texting you, annoying you, or bothering you.

Stalking is two or more incidents, on at least two different dates, that made you afraid of being hurt, killed or held against your will.

Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth-degree felony.

In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person's own expense or a domestic violence offender treatment or intervention program.

Any victim of sexual assault or stalking can file for an Order of Protection, regardless of the relationship with the other person. For example, if you know the person who sexually assaulted you or who is stalking you (neighbor, classmate, co-worker or friend) but you have never had anything more than a casual relationship, the law in New Mexico allows you to file for an Order of Protection against this person.

Aggravated Stalking

Aggravated Stalking consists of stalking perpetrated by a person:

- who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such

	<p>orders may constitute a defense to aggravated stalking;</p> <ul style="list-style-type: none"> • in violation of a court order setting conditions of release and bond; • when the person is in possession of a deadly weapon; or • when the victim is less than sixteen years of age. <p><i>Harassment</i></p> <p>New Mexico defines <i>Harassment</i> as knowingly pursuing a pattern of conduct that is intended to: annoy, seriously alarm, or terrorize another person and that serves no lawful purpose.</p> <p>The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.</p>
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WHAT IS “CONSENT”?

The State of New Mexico does not specifically define “consent.” However, UNM’s definition of consent as it relates to sexual activity can be found in [Administrative Policy 2740](#).

CEEO and specifically UNMPD, the Title IX Coordinator, and the Clery Coordinator, applies UNM’s definition of consent to investigative processes regarding any violation of policy or law that involves an incident of alleged sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct or harassment.

UNM defines consent as **an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity**. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication 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 their willingness to continue at each progression of the sexual interaction. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on UNM to determine if its policy has been violated.

Sexual activity will be considered to have occurred “without consent” if no clear act or statement is given. Consent may not be inferred from silence, passivity, or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from their partner. Being intoxicated or under the influence of other drugs does not diminish one’s responsibility to obtain consent.

Incapacitation and Consent

The use of alcohol or drugs can limit or prevent a person’s ability to freely and clearly give consent. If a person is under the influence of alcohol or drugs such that they are unable to give meaningful consent or understand the fact, nature or extent of the sexual situation, there is no consent. Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. OEO examines the record for other behavior like stumbling or otherwise exhibiting loss of equilibrium; slurred speech or word confusion; bloodshot, glassy or unfocused eyes; vomiting, especially repeatedly; being disoriented or confused as to time or place; or loss of consciousness, when determining whether meaningful consent to sexual activity was or could have been given. Should the preponderance of the evidence in the record demonstrate that one or more such behaviors were objectively apparent at the time the alleged unconsented-to or unwelcomed sexual activity occurred, that evidence may demonstrate that the Respondent knew or should have known that the Complainant was incapable of giving meaningful consent to sexual activity due to intoxication. If the person initiating the sexual activity is also under the influence of alcohol or drugs, that does not diminish their responsibility to obtain consent, and is not a defense to charges of violation of this policy. Because it may be difficult to discern whether a sexual partner is incapacitated, it is better to err on the side of caution and assume that your partner is incapacitated and unable to give consent to the sexual activity.

In addition to alcohol or drugs, if a person’s mental, physical, or psychological disability (temporary or permanent) or age impairs their ability to make an informed decision to willingly engage in sexual activity, there is no consent. Examples include but are not limited to: when an individual is incapacitated, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, threatened, isolated, or confined.

It is a defense to violation of this policy if the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent.

PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING HAS OCCURRED

The [LoboRESPECT Advocacy Center](#) and the UNM Sexual Misconduct and Assault Response Team (SMART) can assist students and employees following an incident of sexual assault, domestic violence, dating violence, or stalking and provide them with the following information in writing. The LoboRESPECT Advocacy Center will assist students through these processes, should they want assistance.

The following are some first steps to consider following an incident of sexual assault, domestic violence, dating violence, or stalking.

- Get to a safe place.
- 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.
- Preserve evidence of an assault, even if you are unsure whether you want to report the crime.
 - Avoid showering or wash clothing.
 - Urinate as soon as possible into a container and keep it with you. Forensic examiners might test it at a later date for illicit substances, such as Rohypnol (“roofies”).
 - 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.
- 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 Campus Advocate. For help 24 hours a day, contact the LoboRESPECT Advocacy Center at 505-277-2911.
- Go to a nearby hospital or medical center for medical attention (medical services are offered upon conclusion of a forensic exam).
 - The [Albuquerque Sexual Assault Nurse Examiner \(SANE\) Collaborative](#) is a program that provides services for victims of sexual assault, domestic violence, dating violence, and stalking. Nurses are specially trained to offer support and treatment sexually transmitted infection, evidence collection, emergency contraception, forensic photography, and follow-up services in a confidential, comforting, and safe setting.

[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.*

SANE is located off campus at:

625 Silver Ave SW
2nd Floor
Albuquerque, NM 87102
[Map](#)

505-884-SANE (7263)
(24-hr dispatch)
Email: info@abqsane.org

REPORTING CRIMES INVOLVING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

UNM strongly encourages all members of the community (faculty, staff, students, and visitors) to immediately report sexual misconduct to law enforcement. However, UNM also recognizes that survivors have a choice to make such a report and have the right to decline police notification or involvement.

Whether or not anonymity is requested, public records maintained about sexual violence and misconduct do not include personally identifying information about the victim of any sex crime. If information needs to be shared, it is be on a need-to-know basis and as authorized under University Administrative Policy and applicable federal and state law.

Criminal Reporting Options

Should you wish to pursue the incident criminally, contact UNMPD at 505-277-2241 or make a report at the station, located on the west end of Hokona Hall (2500 Campus Blvd). If you or someone else is experiencing an emergency, dial 911. Police reports can be made anonymously.

Confidential Reporting and Advocacy Options

If you are unsure how you want to proceed, the following resource centers can help while keeping your information private.

- LoboRESPECT Advocacy Center: 505-277-2911 (assists all UNM Students, available 24/7)
- LGBTQ Resource Center: 505-277-5428 (assists all UNM Students)
- Women's Resource Center (WRC): 505-277-3716 (assists all UNM students, regardless of gender)
- Vassar House: 505-277- 3716 (assists North Campus students)
- Learning Environment Office: 505-272-7867 (assists HSC students)
- UNM Ombuds for Staff Services: 505-277-2993 (assists all UNM faculty and staff)

Administrative/Disciplinary Reporting Options

Should you wish to pursue an administrative or disciplinary complaint, contact the Office of Compliance, Ethics & Equal Opportunity (CEEEO) at 505-277-5251, by e-mail at oeounm@unm.edu, or by making a report in person at 609 Buena Vista Dr NE.

Per University Policies 2720 and 2740, all UNM employees are considered responsible employees, except for those designated as Confidential Sites. Responsible employees must report all instances of sexual misconduct to the Title IX Coordinator within 24 hours of having knowledge of the incident.

CEEEO only investigates incidents. It does not determine whether the conduct occurred, and it does not issue disciplinary sanctions. You may also decline to notify CEEEO.

Counseling and Medical Reporting Options

For medical assistance, counseling, and examinations, the following resources are available.

- Sexual Assault Nurse Examiner (SANE): 505-884-7263 (medical exams for cases of sexual violence for the entire UNM community)
- Counseling and Referral Services (CARS) 505-272-6868 (counseling for faculty and staff)
- Student Health and Counseling (SHAC): 505-277-3136 (counseling for students)

Reports of Sexual Violence and Misconduct at the UNM Health Sciences Rio Rancho Campus

The UNM Health Sciences Rio Rancho Campus strongly encourages individuals who have experienced sexual violence or misconduct to report the incident to law enforcement. A student who experiences sexual violence or misconduct on the UNM Health Sciences Rio Rancho Campus or off campus in Rio Rancho should contact the Rio Rancho Police Department (RRPD) at 505-891-7226. In an emergency, dial 911.

Students may contact CEEEO at 505-277-5251 to report an incident of sexual misconduct for administrative action as outlined in UNM's Discrimination Grievance Procedure located in Appendix A, 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 (505-277-2911). The UNM Dean of Students Office is also responsible for administering the Student and Visitor Codes of Conduct.

SUPPORTIVE MEASURES UNM PROVIDES FOLLOWING CRIMES INVOLVING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Upon receiving a report of an incident involving an alleged sexual assault, domestic violence, dating violence, or stalking, CEEO provides victims with information in writing about:

- Procedures victims should consider following if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred
- How the institution will protect the confidentiality of victims and other necessary parties
- Victim services at UNM and in the community
- Options for, available assistance in, and how to request accommodations and protective measures
- Procedures for institutional disciplinary action, how to request accommodations and protect measures
- Procedures for institutional disciplinary action

CEEEO also provides information about various supportive measures to the victim in writing that available on campus and in the larger community. CEEEO provides this information regardless of whether the victim chooses to report the incident to a Campus Security Authority (CSA), law enforcement, or any other UNM department. As a matter of practice, CEEEO provides victims with written (emailed) information on the available assistance in, and how to request changes to academic, living, transportation, and working situations, advocacy, counseling, medical service, academic and housing adjustment options, legal and immigration aid if the incident has the potential to impact their status, and continuing to receive financial aid. Victims receive this information regardless of whether the incident occurred on or off UNM property. Supportive measures are designed to protect the educational experience and safety of all involved, as well as the greater UNM Community. may be temporary or permanent in nature.

Supportive measures may be temporary or permanent in nature. Information on and assistance with other supportive measures CEEEO provides includes:

- The importance of preserving evidence
- Seeking medical attention
- Reporting options
- The investigative process
- Confidentiality and confidential reporting
- Police reporting options and receiving assistance with communicating with law enforcement
- Rights of parties involved
- How to request supportive measures, including protective measures

Protective Measures

The LoboRESPECT Advocacy Center, with the assistance of the 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.

There are several departments and office at UNM that can provide students with protective measures to both students and employees. They can help with:

- How to communicate with law enforcement and/or navigate the administrative investigative resources on campus, request an increased police presence, and/or campus safety escorts
- Requesting and making changes to academic accommodations, which may include working with professors regarding absences and completion of coursework
- A student's course accommodations, which may include changing course sections, or a complete withdrawal should a student wish to leave UNM
- An employee's work accommodations, which may include working with managers for the completion of essential work functions
- Finding or making changes to on-campus housing, such as temporarily or permanently relocating an affected party, navigating housing contracts, and addressing other potential housing needs
- Communicating with supervisors for on-campus jobs, regarding work schedules and absences
- Creating a safety plan with the student
- Parking on campus
- The potential to impose interim bans on students or employees who are Respondents
- Requesting that another person not contact them directly or through other channels with a no contact directive. In addition to a no contact directive, students may work with UNMPD or an advocacy center should they elect to pursue legal action for an order of protection. The Dean of Students Office handles violations of no-contact directives. Similarly, UNMPD addresses violations of restraining orders.

UNM makes the accommodations a victim requests or provides such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

UNM will also maintain as confidential as law permits, any accommodations or supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or supportive measures.

Supportive Measure Resources for Students Involved in an Incident that Involves Sexual Assault, Domestic Violence, Dating Violence, or Stalking

UNM boasts several departments that can assist students who have been a victim of sexual misconduct (which may include sexual assault, domestic violence, dating violence, or stalking). Students can seek any of the supportive measures listed above 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

Supportive Measure Resources for Employees Involved in an Incident that Involves Sexual Assault, Domestic Violence, Dating Violence, or Stalking

UNM boasts several departments that can assist employees who have been a victim of sexual misconduct (which may include sexual assault, domestic violence, dating violence, or stalking). Students can seek any of the supportive measures listed above at any point after an allegation by contacting the following offices:

Counseling and Referral Services
(CARS)

505-272-6868

CARS provides a safe and confidential setting in which clients may freely discuss concerns to promote emotional healing.

CARS can assist with developing safety plan options for staff and faculty, identifying specific resources, University offices, and/or policies for guidance in addressing client’s situation, and developing options for reporting alleged violation of law or policy to appropriate personnel.

UNM Ombuds for Staff Services

505-277-2993

Ombuds 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

UNM Ombuds for Faculty Services
505-277-3212

provide a visitor with information, the visitor is solely responsible for deciding what actions to take.

Ombuds can assist with identifying specific resources, University offices, and/or policies for guidance in addressing the visitor's situation, to include how to obtain a no contact directive, and developing options for reporting alleged violations of law or policy to appropriate personnel.

Office for Compliance, Ethics &
Equal Opportunity (CEEO)
505-277-5251

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.

UNM’S INVESTIGATORY AND DISCIPLINARY PROCEDURAL RESPONSE TO REPORTS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

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 Discrimination Grievance Procedure (DGP) documents how the CEEO investigative process works and is provided in Appendix A of this report. 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.

The Administrative Hearing Procedures provided in Appendix B describe in full the steps, time lines, and decision-making processes for hearings involving violations of UNM policy, to include violations of [Administrative Policy 2740](#) arising from incidents of alleged sexual assault, domestic violence, dating violence, stalking, or other form of sexual misconduct. These procedures apply to cases involving UNM students, faculty, and/or staff.

The grievance process, including investigative and hearing procedures, are consistent for UNM students, faculty, and staff. UNM applies the DGP and Administrative Hearing Procedures to all civil rights cases investigations outlined in [UAP 2720](#), including VAWA offenses that fall outside the scope of Title IX in [UAP 2740](#).

Sanctions shall be set based upon mitigating and aggravating circumstances, including but not limited to the severity of the offense, the amount of harm created, the responsible party’s prior disciplinary record, and sanctions imposed in recent years for similar offenses.

The table below outlines the possible sanctions UNM may impose for students, students in campus housing, faculty, staff, and visitors following the results of a disciplinary procedure for an allegation of sexual assault, domestic violence, dating violence, or stalking.

Allegation	Possible Sanctions for Students	Possible Sanctions for Students in Housing	Possible Sanctions for Faculty	Possible Sanctions for Staff	Possible Sanctions for Visitors
Sexual Assault Rape Fondling Incest Statutory Rape	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus

	<ul style="list-style-type: none"> • Expulsion • Dismissal • Ban from campus 	<ul style="list-style-type: none"> • Expulsion • Dismissal • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 			<ul style="list-style-type: none"> • Total ban from campus
Domestic Violence	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus • Total ban from campus
Dating Violence	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus • Total ban from campus

	<ul style="list-style-type: none"> • Ban from campus 	<ul style="list-style-type: none"> • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 			
Stalking	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus • Total ban from campus

CEEEO 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.

INFORMATION ABOUT SEX OFFENDERS

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](#).

How to Access the Sex Offender Registry

The New Mexico Department of Public Safety, Bernalillo County Sheriff's Office, and City of Albuquerque Police Department all use [OffenderWatch®](#) to organize and publicize data about sex offenders in the State of New Mexico.

- The [New Mexico Department of Public Safety](#) provides a [statewide list of registered sex offenders](#)
 - Online: https://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlvb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==
 - By calling 505-827-9297
 - By emailing dps.sorna@state.nm.us
- The [Bernalillo County Sheriff's Office](#) provides a [countrywide list of registered sex offenders](#)
 - Online: https://www.communitynotification.com/cap_safety_1.php?office=55299
 - By calling 505-841-7678
 - By emailing mberger@bernco.gov

- The [City of Albuquerque Police Department](#) provides a [citywide list of registered sex offenders](#)
 - Online: <https://www.cabq.gov/police/online-services/sex-offender-lookup>)
 - By calling 505-468-7678
 - By emailing rduck@berco.gov

Members of the public can also use the [OffenderWatch app](#) to find and receive alerts about sex offenders in their area or in the area of loved ones: <https://offenderwatch.com/offenderwatch-family-safety-app/>

ANNUAL CRIME STATISTICS REPORTING

PREPARING ANNUAL CRIME STATISTICS

The Clery Coordinator within the Office for Compliance, Ethics & Equal Opportunity (CEEEO) compiles crime statistics from several campus and outside sources for disclosure in the ASFSR. Those sources include:

- Campus Security Authorities (CSAs)
- University of New Mexico Police Department (UNMPD), for incidents that occur on Main Campus
- Rio Rancho Police Department (RRPD), for incidents that occur on the UNM Health Sciences Rio Rancho Campus
- UNM's Title IX Coordinator, also within CEEEO;
- Outside law enforcement agencies that have primary jurisdiction where
 - Public property abuts campus;
 - UNM owns or controls property outside of Main Campus;
 - UNM students travel overnight and UNM has a written agreement in place for them to stay (e.g., athletic tournaments, geology camping trips, and student group trips); and
 - UNM holds off-site courses, classes and events where there is a written agreement in place to use the space.

The Clery Coordinator reviews reports and assesses each for offenses that fall under the Clery definitions of Clery crimes. If an incident involves a crime that meets at least one Clery offense definition and occurs within UNM's Clery Geography, it is included in the annual statistics.

Off-Campus Incidents

There are no known UNM student organizations that operate, own, or control any off-site facilities. It is possible that at some point during the year, virtually all UNM's officially recognized student groups hold some type of meeting or event at an off-campus venue.

Local, tribal, state, or federal law enforcement agency(s) with primary jurisdiction of any such event is responsible for any public safety response including criminal activity committed by UNM students. In most cases around Main Campus, this would be the City of Albuquerque Police Department (APD).

When a UNM student is involved in an offense that occurs off campus, the law enforcement agency with primary jurisdiction investigates—with or without the assistance of UNMPD. APD does not routinely notify UNMPD of incidents involving students who live within their jurisdiction off campus.

CLERY GEOGRAPHY

“Clery Geography”, as defined by the Clery Act, is a university’s physical presence as defined by one of three categories: On Campus, Non-Campus, and Public Property.

On Campus Geography includes any property or building that is:

- Owned or controlled by UNM within the same reasonably contiguous geographic area and used in direct support of, or in a manner related to, educational purposes
- or
- Within or reasonably contiguous to the area of campus, that is UNM-owned but controlled by another person, is frequently used by students, and supports institutional purposes, such as retail or food establishments.

Examples of On Campus locations include lecture halls, residence halls, the Student Union Building, recreational and athletics facilities such as The Pit and the Johnson Center, UNM Hospital, and administrative offices on campus.

On-Campus Student Housing

The Clery Act requires institutions with student housing to report on Clery crimes that occur within the housing facilities. This is a subcategory of On Campus Geography, which means that any statistic disclosed under On-Campus Student Housing is also included in the overall On Campus category.

Non-Campus Geography comprises those properties and buildings that are:

- Owned or controlled by a student organization officially recognized by UNM
- or
- Owned or controlled by UNM and is used in direct support of, or in relation to, the institution’s educational purposes, are frequently used by students, and are not within the same reasonably contiguous geographic area of campus.

Examples of Non-Campus locations include Greek housing, off-campus research facilities that UNM owns, leases, or controls, UNM-owned housing for medical students attending an off-campus program, and off-site venues where UNM students stay or study for more than one night or on a recurring basis where there is a written agreement in place between UNM and the venue.

Public Property for the purposes of Clery Act crime reporting is considered any property that is:

- Within the same reasonably contiguous geographic area of, within, or adjacent to the UNM campus
- Publicly and not privately owned
- Adjacent to a facility owned or controlled by UNM if the facility is used by UNM in direct support of, or in a manner related to, UNM's educational purposes
and
- Accessible from campus (that is, unrestricted by a barrier such as a fence or roadway)

Examples of Public Property locations include sidewalks, streets, bus stops, and parks along the campus perimeter where physical access from campus is restricted. Streets that directly border UNM's campus include:

- University Blvd
- Central Blvd
- Lomas Blvd
- Vassar Dr
- Stanford Dr
- Avenida César Chávez
- Buena Vista Dr
- Indian School Rd

Click on each link to view UNM's Clery Geography maps:

- [Clery Geography for Main Campus](#)
- [Clery Geography for South Campus](#)



REPORTABLE OFFENSES UNDER THE CLERY ACT

Not all crimes fall under what is reportable under the Clery Act. The Clery Act requires universities to report alleged crimes that fall into one or more of four categories, regardless of whether law enforcement investigates or identifies or brings charges against anyone involved.

It is important to note that Clery crimes are not limited to those involving students. A Clery crime is the report of any crime that meets the definition of those offenses specified in the Clery Act and occurs within our Clery Geography—regardless of who is affected, who committed the crime, or what time of year it is.

The following table lists all the crimes for which institutions must publish statistics under the Clery Act.

Primary Offenses	Hate Crimes	Violence Against Women Act (VAWA) Offenses	Arrests and Referrals for Disciplinary Action
<ul style="list-style-type: none"> • Murder/ Non-negligent Manslaughter • Manslaughter by Negligence • Sexual Assault: • Rape, Fondling, Incest, and Statutory Rape • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson 	<ul style="list-style-type: none"> • Murder/ Non-negligent Manslaughter • Manslaughter by Negligence • Sexual Assault: • Rape, Fondling, Incest, and Statutory Rape • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson • Larceny-Theft • Simple Assault • Simple Assault • Destruction/Damage/ Vandalism of Property 	<ul style="list-style-type: none"> • Domestic Violence • Dating Violence • Stalking 	<ul style="list-style-type: none"> • Liquor Law Violations • Drug Abuse Violations • Weapons Law Violations

Reports of attempts to commit any of these types of crimes are also considered to be Clery crimes. For example, an attempted Rape must be included in the statistics under the category for Rape. An attempted Burglary must be included under the category for Burglary.

More About Hate Crimes

A hate crime occurs when the offender is motivated by bias to commit a crime against the victim, even if the offender's bias is based solely in perception. Under the Clery Act, "bias" is a preformed negative attitude or opinion towards a group of persons based on one of the following bias categories:

- Race
- Gender
- Gender identity
- Religion
- Disability
- Sexual Orientation
- Ethnicity
- National Origin

If any Primary Offenses were reportedly committed as "Hate Crime," they must be indicated as both a Primary Offense and Hate Crime in the annual crime statistics.

CLERY OFFENSE DEFINITIONS

Clery Crimes are organized in four categories:

- Primary Offenses (as defined by the [Summary Reporting System User Manual](#) and the [National Incident-Based Reporting System User Manual](#))
- Violence Against Women Act (VAWA) Offenses (as defined by the [VAWA Reauthorization Act of 2013](#))
- Arrests/Citations/Summons and Referrals for Disciplinary Action (as defined by the [State of New Mexico Statutes](#))
- Hate Crimes (as defined by the [Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual](#))

UNM also reports on unfounded crimes, or crimes that UNMPD has found to be baseless or false through investigation. Only a sworn or commissioned law enforcement agency can unfound a crime.

Primary Offense Definitions

- **Murder and Non-negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, suicides, justifiable homicide, and accidental deaths are excluded.
- **Negligent Manslaughter:** the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category Manslaughter by Negligence.
- **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly and/or against that person's will or not forcibly or against the person's will, in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity
- **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will, in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity
- **Incest:** nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** nonforcible sexual intercourse with a person who is under the statutory age of consent
- **Robbery:** 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:** an unlawful attack or attempted attack by one person upon another for the purpose of 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. "Weapon" may refer to a firearm, a knife or other cutting instrument (a razor, scissors, glass, etc.), another dangerous weapon (pepper spray, brass knuckles, a club, poison etc.), or a personal weapon (hands, fists, feet, etc.).
- **Burglary:** the unlawful entry of a structure to commit a felony or a theft, either by force or trespassing. Attempted forcible entry is included.
- **Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle, including all incidents where a motor vehicle is taken by a person who does not have lawful access or consent of the owner, including attempted thefts and joyriding. A motor vehicle is self-propelled and runs on land surface and not on rails. Theft from motor vehicles, motorboats, construction equipment, airplanes, and farming equipment are excluded.
- **Arson:** 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.

Violence Against Women Act (VAWA) Offense Definitions

- **Domestic Violence:** felony or misdemeanor crimes of violence committed or attempted by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in

common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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

- **Dating Violence:** violence committed or attempted by a person who is or has been in a social relationship of a romantic or intimate nature with the victim
- **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Acts may include incidences 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. 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 someone finding themselves in similar circumstances and who shares similar identities, backgrounds, training, and experiences with 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.

Arrests/Citations/Summons and Referrals for Disciplinary Action Definitions

- **Weapons Violation:** the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.
- **Drug Abuse Violation:** the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs to include prescription medications.
- **Liquor Law Violation:** the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness

Hate Crime Definitions

Hate Crimes (criminal offenses committed against a person or property which is motivated, in whole or in part, by the offender's bias) are also included as reportable crimes, which include all crimes listed above under Primary Offenses in addition to the following four crimes:

- **Larceny-Theft:** the unlawful taking, carrying, leading, or riding away of property from the possession or control of another, including shoplifting, motor vehicle or bicycle parts, pickpocketing, the stealing of property that is not taken by force, violence, or fraud, attempted theft, regardless of the value of the item(s) stolen
- **Simple Assault:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness
- **Intimidation:** unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack
- **Destruction/Damage/Vandalism of Property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person in control of it

Hate Crime Bias Categories

- **Race:** a preformed negative attitude toward a group of persons who possess common physical characteristics, such as color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (for example: Asians, blacks or African Americans, whites)
- **Gender:** a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (for example: male or female)
- **Gender Identity:** a performed negative opinion or attitude towards a person or group of persons based on their actual or perceive gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society (for example: a woman dressed in traditionally male clothing or a man wearing makeup). A gender non-conforming person may or may not be a lesbian, gay bisexual, or transgender person but may be perceived as such.
- **Religion:** a performed negative opinion or attitude towards a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (for example: Catholics, Jews, Protestants, atheists)
- **Sexual Orientation:** a performed negative opinion or attitude towards a person or group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Ethnicity:** a performed negative opinion or attitude towards a person or group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

- **National Origin:** a performed negative opinion or attitude towards a person or group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability:** a performed negative opinion or attitude towards a person or group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness

Individuals with any questions about the following statistics can contact the UNM Clery Coordinator for more information about how they are compiled. CEEO does not release any information about crime reports that may compromise the safety of the parties involved, the UNM community, or law enforcement investigation. Individuals may contact the Clery Coordinator at the [CEEEO](#):

609 Buena Vista NE
Albuquerque, NM 87106
505-277-5251
ceeo@unm.edu

CLERY ACT STATISTICS FOR CALENDAR YEARS 2019, 2020, & 2021 (MAIN CAMPUS)

TOTAL CLERY CRIMES, MAIN CAMPUS (CY2019, CY2020, CY2021)

Location	CY2019	CY2020	CY2021
On Campus	583	273	325
Non-Campus	0	2	1
Public Property	5	0	2
Total	588	275	328

A Discussion of Pronounced Variations

The numbers in this year's ASFSR contain significant fluctuations in Clery crime reports of certain offenses. While crime statistics vary based on a multitude of factors including police resources, patterns in the overall community, individuals' perceptions of crime and attitudes toward reporting crime, and the stability of family cohesiveness (especially in times of crisis such as the pandemic), the following offers some explanation for these changes.

Sexual Violence and Violence Against Women Act (VAWA) Offenses

In 2021, students attended UNM virtually for approximately half of calendar year until UNM reinstated a partial return to Main Campus. Given these changes, the rate of reports of an alleged Rape or Attempted Rape, Domestic Violence, Dating Violence, and Stalking in CY2021 occurring within UNM's Clery Geography was roughly equal to that of CY2019, before COVID-19 caused a total campus shut-down later in 2019 and for the entirety of CY2020. The increases from CY2020 most likely resulted from the partial return of students to campus housing in particular during CY2021.

UNMPD received a report of two statutory rapes that occurred during a single incident. The offense involved two victims under the age of consent and one perpetrator.

Burglary

The rate of Burglaries dropped from CY2020 to CY2021, however, the rate in CY2021 was slightly higher than that in CY2019. The number of Burglary reports that occurred within student housing was consistent across all three calendar years.

Motor Vehicle Theft

While the number of Motor Vehicle Theft reports was consistent in CY2021 as in CY2020, the rate of reports was significantly higher than it was CY2019. These figures should be explored further, since the number of Motor Vehicle Thefts reported by the City have declined since 2019 (5,690 in 2019, 5,213 in 2020, and 5,520 in 2021 [according to APD](#)). It is possible that more students living on campus had vehicles in CY2021 than in previous years, or that environmental factors such as lighting changed over time.

Disciplinary Referrals for Liquor Law, Drug Abuse, and Weapons Law Violations

The rate of Disciplinary Referrals for Liquor Law Violations declined from its CY2019 statistics. All Referrals that were issued originated from student housing.

The number of Disciplinary Referrals for Drug Abuse Violations dropped almost entirely from CY2019 to CY2021 after New Mexico decriminalized marijuana on June 30, 2021.

Offense (includes attempts)	CY2019 (Campus Open)	CY2020 (Total Shutdown of Campus)	CY2021 (Partial Shutdown of Campus)
Rape	23	9	11
Domestic Violence	12	8	7
Dating Violence	30	7	16
Stalking	23	9	11
Statutory Rape	0	0	2
Aggravated Assault	21	11	28
Burglary	50	43	35
Motor Vehicle Theft	76	41	82
Disciplinary Referrals for Liquor Law Violations	199	73	71
Disciplinary Referrals for Drug Abuse Violations	92	33	1

CLERY CRIMES, MAIN CAMPUS (CY2019)

Primary Offenses (CY2019)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	1
Manslaughter by Negligence	0	0	0	0
Rape	23	17	0	0
Fondling	14	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	2	0	0	0
Aggravated Assault	17	2	0	4
Burglary	50	15	0	0
Motor Vehicle Theft	76	0	0	0
Arson	1	1	0	0

Violence Against Women Act (VAWA) Offenses (CY2019)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	12	1	0	0
Dating Violence	30	17	0	0
Stalking	45	9	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2019)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	15	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	1	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	2	2	0	0
Liquor Law Violation - Referral for Discipline	199	199	0	0
Drug Abuse Violation - Referral for Discipline	92	92	0	0
Weapons Law Violation - Referral for Discipline	2	2	0	0

Hate Crime Offenses (CY2019)	Bias Category	Location
Intimidation	Religion	On Campus (Student Housing)
Intimidation	Ethnicity	On Campus

There were three (3) crimes unfounded through investigation during CY2019.

CLERY CRIMES, MAIN CAMPUS (CY2020)

Primary Offenses (CY2020)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	9	6	0	0
Fondling	6	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	5	0	0	0
Aggravated Assault	11	4	0	0
Burglary	41	13	2	0
Motor Vehicle Theft	41	1	0	0
Arson	4	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2020)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	8	2	0	0
Dating Violence	7	2	0	0
Stalking	21	12	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2020)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	3	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	4	0	0	0
Liquor Law Violation - Referral for Discipline	73	73	0	0
Drug Abuse Violation - Referral for Discipline	33	33	0	0
Weapons Law Violation - Referral for Discipline	4	4	0	0

Hate Crime Offenses (CY2020)	Bias Category	Location
Intimidation	Religion	On Campus (Student Housing)
Intimidation	Race	On Campus
Destruction/Damage/Vandalism of Property	National Origin	On Campus (Student Housing)

There were no crimes unfounded through investigation during CY2020.

CLERY CRIMES, MAIN CAMPUS (CY2021)

Primary Offenses (CY2021)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	11	9	0	0
Fondling	13	5	0	0
Incest	0	0	0	0
Statutory Rape	2	2	0	0
Robbery	4	1	0	0
Aggravated Assault	26	8	0	2
Burglary	35	15	0	0
Motor Vehicle Theft	82	0	0	0
Arson	1	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2021)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	7	1	0	0
Dating Violence	16	10	0	0
Stalking	32	12	1	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2021)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	1	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	12	1	0	0
Weapons Law Violation - Arrest/Summons/Citations	5	0	0	0
Liquor Law Violation - Referral for Discipline	71	71	0	0
Drug Abuse Violation - Referral for Discipline	1	1	0	0
Weapons Law Violation - Referral for Discipline	3	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Destruction/Damage/Vandalism of Property	Religion	On Campus
Simple Assault	Ethnicity	On Campus
Simple Assault	Religion	On Campus (Student Housing)

There were twelve (12) crimes unfounded through investigation during CY2021.

CLERY ACT STATISTICS FOR CALENDAR YEARS 2019, 2020 & 2021 (UNM Health Sciences Rio Rancho Campus)

TOTAL CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2019, CY2020, CY2021)

Location	CY2019	CY2020	CY2021
On Campus	0	0	6
Non-Campus	0	0	0
Public Property	0	0	1
Total	0	0	7

A Discussion of Pronounced Variations

The numbers in this year's ASFSR contain significant fluctuations in Clery crime reports of certain offenses. Crime statistics vary based on a multitude of factors including police resources, patterns in the overall community, individuals' perceptions of crime and attitudes toward reporting crime, and the stability of family cohesiveness (especially in times of crisis such as the pandemic).

The Clery Act requires UNM to make a good-faith effort to elicit crime statistics from outside jurisdictions. However, these outside agencies are not obligated to respond. It is most likely that in past years, statistics for the Rio Rancho Campus reflected a crime-free campus because we did not receive reports from Rio Rancho Police Department (RRPD). This year, we made direct contact to retrieve those affecting main campus and the surrounding area. We received a total of six reports in return. This year's statistics are a more realistic representation of what Clery offenses occurring at the campus, which most would agree is a step forward for transparency and consumer rights at UNM.

The four reports of Aggravated Assault and single report of Dating Violence all originate from the same incident occurring at Sandoval Regional Medical Center, which involved one perpetrator, three healthcare workers, and a civilian known to the offender.

Offense (includes attempts)	CY2019	CY2020	CY2021
Aggravated Assault	0	0	4
Dating Violence	0	0	1
Burglary	0	0	1
Motor Vehicle Theft	0	0	1
Arrests for Drug Abuse Violations	0	0	1

CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2019)

Primary Offenses (CY2019)	On Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2019)	On Campus	Non-Campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2019)	On Campus	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	0	0	0
Liquor Law Violation - Referral for Discipline	0	0	0
Drug Abuse Violation - Referral for Discipline	0	0	0
Weapons Law Violation - Referral for Discipline	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Not applicable	Not applicable	Not applicable

There were no crimes unfounded through investigation during CY2019.

CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2020)

Primary Offenses (CY2020)	On Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2020)	On Campus	Non-Campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2020)	On Campus	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	0	0	0
Liquor Law Violation - Referral for Discipline	0	0	0
Drug Abuse Violation - Referral for Discipline	0	0	0
Weapons Law Violation - Referral for Discipline	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Not applicable	Not applicable	Not applicable

There were no crimes unfounded through investigation during CY2020.

CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2021)

Primary Offenses (CY2021)	On Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	4	0	0
Burglary	0	0	0
Motor Vehicle Theft	1	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2021)	On Campus	Non-Campus	Public Property
Domestic Violence	0	0	0
Dating Violence	1	0	0
Stalking	0	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2021)	On Campus	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	1
Weapons Law Violation - Arrest/Summons/Citations	0	0	0
Liquor Law Violation - Referral for Discipline	0	0	0
Drug Abuse Violation - Referral for Discipline	0	0	0
Weapons Law Violation - Referral for Discipline	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Not applicable	Not applicable	Not applicable

There were no crimes unfounded through investigation during CY2021.

UNM FIRE SAFETY REPORT

UNM provides fire safety information as part of this Annual Security and Fire Safety Report (ASFSR) to comply with the Higher Education Opportunity Act of 2008.

FIRE SAFETY SYSTEMS IN UNM STUDENT HOUSING

UNM's student housing facilities are equipped with fire safety and prevention systems. They include:

- **Battery operated smoke detectors** in rooms and common areas
- **A centralized smoke detector system** in common areas as well as bedrooms. Fire suppression system is also in place throughout the building.
- **Local smoke alarms** in dormitory rooms, manual pull stations at all exit doors, and system smoke detectors in common areas. Activation of pull station or system detector sends an alert signal to the 24/7 Student Residence Center (SRC) desk and UNMPD. There are no fire sprinklers.
- **Full fire alarm system in dormitory rooms.** Detectors ring locally signaling only SRC. Common areas have full detection systems with pull stations that will activate a general alarm along with sending an alert signal to the 24/7 SRC and UNMPD. There are partial sprinklers in the basement tied to the fire alarm system. The fire sprinkler system is in the basement only.
- **Smoke detection in common areas** activate a general alarm. Alarms is activated by sprinklers activation or when SRC notifies UNMPD. Common areas have a fire sprinkler system. Apartments are fully sprinkled.
- **System smoke/heat detectors** in unoccupied rooms and **local smoke detectors** in rooms, common areas, and corridors within apartments only. Apartment fire sprinkler systems. Redondo Village Apartments (RVA) are fully sprinkled. Detectors or sprinklers activate the general alarm, or SRC notifies UNMPD. The alarm notifies both UNMPD and the City of Albuquerque Emergency 911 Dispatch Center.
- **Smoke detector systems** in common areas as well as bedrooms.
- **Centralized smoke detector system** and fire suppression system in common areas as well as bedrooms of houses. There are also pull stations in main hallways and common areas to activate the alarm.

FIRE DRILLS & EVACUATION PROCEDURES

Residence halls facilities 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 to include ACC properties must follow the established building evacuation procedures:

Follow all instructions given by RLSH staff, ACC staff, UNMPD, and other emergency personnel.

- Close all room windows and open draperies.
- Grab a blanket or towel to place over your mouth to prevent smoke inhalation.
- Leave ceiling lights on in your room.

- Leave as quickly as possible and proceed to nearest designated exit.
- Lock your room door and take your room key with you.
- Use emergency exits only if it is truly an emergency or fire.
- Exit the building.

The table below provides the number of fire safety systems, fire extinguishers, and fire drills RLSH and ACC conducted during Calendar Year 2021.

Residence Hall	# Fire Safety Systems	# Fire Extinguishers	# Fire Drills Conducted During CY2021
Alvarado Hall 2800 Campus Blvd NE	3	24	4
Casas del Rio 420 Redondo Dr NE	8	63	2
Coronado Hall 301 Girard Blvd NE	4	46	4
DeVargas Hall 2604 Campus Blvd NE	5	17	4
Hokona Hall 2500 Campus Blvd NE	5	108	4
Laguna Hall 2602 Campus Blvd NE	5	18	4
Lobo Rainforest 101 Broadway Blvd NE	7	217	4
Lobo Village 1200 Avenida César Chávez SE	8	280	4
Redondo Village Apartments 306 Redondo Dr NE	7	134	4
Santa Clara Hall 2600 Campus Blvd NE	3	17	4
Student Family Housing 961 Buena Vista Blvd SE	3	236	4
Student Residence Center 301 Redondo Dr NE	6	86	4
Kappa Kappa Gamma 1620 Mesa Vista Rd NE	10	Yes	2

(On-Campus Student Housing)			
Pi Beta Phi 1701 Mesa Vista Rd NE (On-Campus Student Housing)	11	Yes	2

FIRE SAFETY POLICIES AND RULES

Fire Safety Policies and Rules in Residence Life and Student Housing (RLSH) Residence Halls

Students who live in UNM residence halls and apartments are part of an academic community that has community standards to promote the safety and wellbeing 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 Life 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/or 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.
- The [Residence Life Handbook](#) requires that all electrical appliances, cords, and products be listed with national standards. The Handbook 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.
- **Halogen lamps.** Halogen lamps are prohibited in residence halls and apartments because they pose a fire hazard.

Fire Safety Policies and Rules in American Campus Communities (ACC) Residence Halls

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.
- **Smoking.** 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 its respective clubhouse, office areas, or amenities.

Residents with questions can contact the Lobo Village or Casas del Rio offices directly.

Fire Safety Policies and Rules in Non-Campus Greek Houses

UNM's Greek Letter Organizations (GLO) comprises 24 fraternity and sorority chapters. Of those 24 chapters, five chapters own and manage chapter houses where members of the fraternity or sorority may reside. These GLOs are within the UNM campus area but they are neither owned nor managed by the University. Chapter houses are owned by the Greek organizations. All fraternity and sorority chapters that own houses are affiliates of their respective national GLOs, which set rules and policies governing chapter houses. For these reasons, they are categorized as considered **Non-Campus** for the purposes of Clery reporting.

While rules vary from chapter to chapter, each has:

- Fire extinguishers;
- Restrictions on live flame candle use; and
- 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 2021, no reported fires occurred in any Greek Letter Organization house.

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 City of Albuquerque Fire Department by calling 911 or to the 24/7 UNM Student Residence Center desk by calling 505-277-9203.

In the event a fire has already occurred, individuals—once they are safe—must report the fire to the following corresponding area, depending on where the fire occurred.

Campus Office	Contact	Phone
Resident Life & Student Housing (RLSH) Director	Megan Chibanga	505-277-2383
RLSH Assistant Manager	Deanna Padilla	505-277-2383
American Campus Communities (ACC) Area Manager at Lobo Village	Jessika Griego	505-925-5575
ACC Manager at Casas del Rio	Marcos Romero	505-277-1619
Hall Director at Lobo Rainforest	Sade Shabazz	505-277-1522
UNM Safety & Risk Services (Environmental Health & Safety)	Zachary Peterson	505-277-2753

UNM's Safety & Risk Services Department maintains information on reports of fires and fire alarms in University-owned residence halls. 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.

FIRE STATISTICS FOR STUDENT HOUSING FACILITIES FOR CALENDAR YEARS 2019, 2020, AND 2021

Residence Hall	# fires, CY2019	# fires, CY2020	# fires, CY2021	Location	Cause	Injuries	Deaths	Value of Property
Alvarado Hall 2800 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Casas del Rio 420 Redondo Dr NE	0	0	0	N/A	N/A	0	0	N/A
Coronado Hall 301 Girard Blvd NE	0	0	0	N/A	N/A	0	0	N/A
DeVargas Hall 2604 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Hokona Hall 2500 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Laguna Hall 2602 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Lobo Rainforest 101 Broadway Blvd NE	1	0	0	3 rd floor stairwell	Student causes paper fire	0	0	N/A
Lobo Village 1200 Avenida César Chávez SE	0	1	0	Lot immediatel y west of Lobo Village	Unknown person started a small brush fire	0	0	\$500.00
Redondo Village Apartments 306 Redondo Dr NE	0	0	2	5/5/2021: North staircase 8/29/2021:	5/5/21: Fire started while someone used power tools to demo staircase during a remodel 8/29/2021:	0	0	\$99,022.75

				Dumpster outside	Cause unknown. UNMPD promptly responded and extinguished the fire without incident.			
Santa Clara Hall 2600 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Student Family Housing 961 Buena Vista Blvd SE	0	0	0	N/A	N/A	0	0	N/A
Student Residence Center 301 Redondo Dr NE	0	0	2	4/6/2021: Apt D 11/8/2021: Parking lot	4/6/2021: Students left food unattended on stovetop 11/8/2021: Believed to have started after an unknown individual attempted to steal catalytic converter out of a vehicle	0	0	\$88,484.16

TRAINING AND FUTURE IMPROVEMENTS FOR FIRE SAFETY

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 provides fire extinguisher training for both professional staff and Resident Advisors as well as housing maintenance staff.

UNM's Safety & Risk Services Department continually evaluates the need for improvements with regard to all aspects of UNM's campus fire safety program. Fire safety and prevention are a community-wide responsibility. It is the intent of Safety & Risk Services to provide an environment that addresses the issues of fire and life

safety for students, visitors, volunteers, faculty and staff. To that end, the Department 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 documenting 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 and life safety codes

CEEO DISCRIMINATION GRIEVANCE PROCEDURE (DGP)

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 assault, domestic violence, dating violence, and stalking, which are considered severe forms of sexual harassment.

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 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.

The Office of Compliance, Ethics and Equal Opportunity (CEEO) 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 an allegation of civil rights violations, CEEO acts as the finder of fact and will prepare a report at the conclusion of its investigation, as described herein. CEEO has no decision making or sanctioning authority. Once CEEO finalizes a report after an investigation into civil rights violations, CEEO refers the matter to the appropriate UNM office, which will ultimately determine whether a University policy has been violated or otherwise resolve the issue. CEEO reports directly to the UNM President’s Office to maintain optimal independence and impartiality.

CEEO staff treats all parties with respect and approaches each case impartially and equitably. In fulfilling its dual tasks of educating and providing public service, UNM shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. CEEO, 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. Leadership in CEEO includes the Chief Compliance Officer, the Compliance Coordinator, the Director of Equal Opportunity, and the Title IX Coordinator.

CEEO’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 the Fifth and Fourteenth Amendments to the U.S. Constitution. CEEO shall comply with the Family Educational Rights and Privacy Act (“[FERPA](#)”).

This CEEO Discrimination Grievance Procedure (“DGP”) outlines the method CEEO uses when processing complaints alleging violations of UNM policy **to include sexual assault, domestic violence, dating violence, and stalking**. Some of the complaints brought under this procedure may also contain allegations that qualify as violations of criminal statutes. As stated above, CEEO 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. **CEEO does NOT independently report alleged crimes to law enforcement except in limited circumstances, such as harm to a minor.**

DEFINITIONS USED IN THIS DGP

Term	Definition
<i>Actual Knowledge</i>	Notice of sexual harassment or allegations received by CEEO or the Title IX Coordinator regarding discrimination, including sexual harassment
<i>Advisor</i>	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
<i>Complainant</i>	The person or persons filing a complaint with CEEO
COR	Confirmation of Response: A Respondent’s written statement in response to a Complainant’s COA

<i>Differential Treatment</i>	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
<i>Discrimination</i>	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.
<i>Education Program and Activity</i>	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
<i>Evidence</i>	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.
<i>Exculpatory Evidence</i>	Evidence which tends to show that a Respondent is not responsible for an alleged policy violation
<i>Failure to Report</i>	Responsible employees under University Policy 2740 are required to report allegations of known or suspected violations of University Policy 2740 or of gender discrimination to CEEO and/or the Title IX Coordinator with 24 hours or as soon as reasonably practicable. Per University Policy 2720, 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 policy.
<i>Final Determination</i>	The Hearing Officer's conclusion by a preponderance of the evidence deciding whether alleged conduct occurred and whether that conduct violates UNM policy.
<i>Formal Complaint</i>	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 University Policy 2740, and requesting that CEEO investigate the allegations of discrimination or harassment

<i>Hearing</i>	The adjudicatory process that takes place after CEEO has concluded its investigation of an alleged civil rights policy violation
<i>Hearing Coordinator</i>	The individual responsible for coordinating a hearing among the parties, Advisors, witnesses, and other hearing participants
<i>Hearing Officer</i>	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.
<i>Hostile Environment</i>	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.
<i>Inculpatory Evidence</i>	Evidence which tends to show that a Respondent is responsible for an alleged policy violation
<i>Informal Resolution</i>	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. In cases where a violation of Policy 2740 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.
<i>Investigative Report</i>	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
<i>Jurisdiction</i>	Occurs when the circumstances of a complaint are such that CEEO is authorized by UNM Policy to investigate or remedy those circumstances or allegations
<i>Post-Closure Action</i>	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
<i>Preponderance of the Evidence</i>	The relevant evidence gathered during an administrative investigation that demonstrates it is more likely than not that a policy violation occurred

<i>Protected Class or Status</i>	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 orientation, spousal affiliation, and veteran status.
<i>Remedies</i>	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.
<i>Retaliation</i>	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
<i>Support Person</i>	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.
<i>Supportive Measures</i>	<p>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.</p> <p>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.</p>

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 and/or Director of Equal Opportunity is responsible for coordinating the effective implementation of supportive measures, as appropriate.

<i>Respondent</i>	The person or persons responding to a complaint filed with CEEO
<i>Third-Party Report</i>	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
<i>Title IX</i>	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.
<i>Unaffiliated</i>	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.
<i>Union Representative</i>	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 an observer for the party.
<i>Witness</i>	Any person who may have knowledge of the evidence in an investigation or complaint

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, CEEEO will send all correspondence using this method. Requests that CEEEO send communications to an email address other than a UNM email address must be made in writing via email to 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, by mail to CEEO's mailing address at 1 University of New Mexico, MSC05 3150, Albuquerque, NM 87131-0001, or by hand delivery to CEEO during CEEO's 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 from CEEO to an individual by mail is deemed received by the recipient **three (3) business days** after the postage date.

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 person for asserting his or her civil rights or for reporting civil rights related misconduct, including sexual assault, domestic violence, dating violence, and stalking. 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.

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.

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 that may or may not include incidents of alleged sexual assault, domestic violence, dating violence, or stalking:

- UNM Students
- UNM Student Employees
- UNM Staff
- UNM Faculty
- UNM Applicants
- Visitors to UNM

- Former UNM Employees or Students
- Parents and Guardians of Applicants or Students

Reports of incidents of alleged sexual assault, domestic violence, dating violence, or stalking and other civil rights violations can be made through any of the following means:

Call UNMPD at 505-277-2241 (for incidents involving an alleged crime such as sexual assault, domestic violence, dating violence, or stalking);

- Make a report on [UNMPD's online crime report form](#);
- Notify a Campus Security Authority (CSA)
- Complete and submit an [online CEEEO complaint form](#);
- Email (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 CEEEO employee;
- Walk-in at CEEEO's office during regular business hours; or
- Call CEEEO 505-277-5251.

Inquiries may be made outside of UNM to:

Office for Civil Rights (OCR)
 U.S. Department of Education
 400 Maryland Avenue SW
 Washington, D.C. 20202-1100 Customer Service Hotline #: (800) 421-3481
 Facsimile: (202) 453-6012 TDD#: (877) 521-2172
 Email: OCR@ed.gov
 Web: <http://www.ed.gov/ocr>

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

Informal Complaint from Complainant

A Complainant may file an [informal complaint](#) of discrimination or harassment (which includes sexual assault, domestic violence, dating violence, and stalking) in order to seek supportive measures and as a means of obtaining information regarding their rights and the CEEEO formal grievance procedure, as described in Section VI. Once informed, the Complainant may decide to initiate the formal grievance process. An informal complaint by itself, however, will not activate the formal grievance process. A report from a third-party reporter is considered an informal complaint.

The informal complaint should include:

- The Complainant's name and preferred contact information, as well as their affiliation with UNM (student, staff, faculty, applicant, or visitor to UNM);

- The Respondent's name and contact information, and whether the Respondent is a student, staff, faculty, or UNM visitor;
- The Complainant's protected status under which the alleged discrimination or harassment has occurred;
- 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
- A description of the alleged discriminatory conduct and the Complainant's protected status (as defined on page 1).

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

- CEEO 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;
- CEEO will offer the Complainant the opportunity to request supportive measures;
- CEEO 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. CEEO may contact persons who submit complaints in order to discuss the details of the concerns and obtain additional factual information.

Formal Complaint from Complainant

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment (which includes sexual assault, domestic violence, dating violence, and stalking) 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:

- Be filed utilizing the CEEO [formal complaint form](#) (if the complaint is received verbally or via a third-party report, the Complainant electing a formal complaint process shall utilize the CEEO form);
- Be signed and dated by the Complainant;
- Include Respondent's name and contact information (if known), and whether the Respondent is a student, staff, faculty, or UNM visitor;
- Include Complainant's protected status, which they claim as the basis for the alleged discrimination or harassment;
- 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.);

- Include a description of the alleged discriminatory conduct and the Complainant's protected status (as defined on page 1 herein);
- Identify the UNM program, activity, or location where the alleged conduct occurred; and
- 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.

Third-Party Reports and Reports from Responsible Employees: Failure to Report

CEEEO receives reports from third-party reporters, responsible employees, or others who have information regarding potential civil rights violations to include incidents of alleged sexual assault, domestic violence, dating violence, and stalking. 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.

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. CEEO 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 CEEO investigator. Respondent will have the same opportunity to appeal per the process outlined in Section X herein. After the appeal window closes, CEEO will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

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.

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.

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

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.

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

The parties involved. CEEO investigates policy violations. Therefore, the policy alleged to have been violated must apply to at least one of the persons involved in the report.

The subject matter of the allegations underlying the complaint. CEEO has jurisdiction to investigate alleged policy violations regarding civil rights. For CEEO 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 CEEO may not be able to accept jurisdiction and/or may dismiss the matter as outlined in Section VI(C)(3)(b).

As noted above, CEEO may take informal action related to allegations that do not, as alleged, violate UNM policy; therefore, UNM and CEEO encourage anyone who has any concerns related to civil rights to include incidents of alleged sexual assault, domestic violence, dating violence, and stalking at UNM to bring their concerns to CEEO.

To make a jurisdictional determination, CEEO may also consider:

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

Jurisdiction of Complaints Subject to University Policy 2740

In order to accept jurisdiction in cases of alleged sexual harassment as defined in [University Policy 2740](#) and includes sexual assault, domestic violence, dating violence, and stalking, 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 Policy 2740](#) must have occurred in the United States.

FORMAL GRIEVANCE PROCEDURE

Formal Complaint

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment (which includes sexual assault, domestic violence, dating violence, and stalking) to initiate the formal grievance procedure outlined in this section.

The Complainant shall file a formal complaint by either signing and dating the CEEO [formal complaint form](#) or by signing a Confirmation of Allegations after providing a verbal statement of their complaint to an investigator. A Complainant who files a formal complaint will have the opportunity to seek supportive measures.

Notice

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

- A formal complaint has been received;
- The ability to informally resolve the complaint. The parties must agree to an informal resolution in cases alleging violation of University Policy 2740. Informal resolutions are unavailable in cases where a UNM employee is alleged to have sexually harassed a student;
- A notice of the allegations, including the identities of relevant participants;
- The specific policy or policies that Respondent is alleged to have violated;
- The date and location of the incident, if known;
- 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;
- Inform the parties, which includes anyone involved in a disciplinary proceeding related to incidents of alleged sexual assault, domestic violence, dating violence, or stalking (as required by the [Clery Act](#)), that they may have an Advisor of their choice during any subsequent hearing, including an attorney at their own expense, if they choose.
- Advise the parties of UNM policies prohibiting false statements. See [UNM Student Code of Conduct](#), Section 2.3; [University Policy 2720](#), Section 12; [University Policy 2740](#).
- Inform the parties about retaliation as described in University Policies [2720\(13\)](#) and [2740\(4\)](#);
- Provide notice of any additional allegations that arise after the initial notice to the parties; and
- State the purpose of all investigative interviews with a party, with enough time for the party to prepare for the interview.

Process Options

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

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 allowed 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 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)(b).

Informal Resolution

An informal resolution is a path designed to eliminate the alleged discriminatory or harassing conduct, prevent its recurrence, and remedy its effects 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, the parties must both agree with this option. If the parties do not agree, CEEO will afford the Complainant an opportunity to either withdraw the complaint or proceed to a formal investigation as outlined in Section VI(C)(3). As outlined in Section VI(C)(1), however, CEEO reserves the right to continue the investigation in order to ensure compliance with UNM policy and related state and federal regulations.

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.

CEEEO 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, CEEEO will close the case. CEEEO 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 CEEEO determines that an informal process is not appropriate based on the severity or pervasiveness of allegations.** In those instances, CEEEO may proceed with a formal investigation, which can lead to an evidentiary hearing before a Hearing Officer. See Section VI(C)(3)(h).

Formal Investigation

The investigation is a neutral process during which CEEEO gathers evidence directly related to the allegations in the formal complaint from the parties, any witnesses they identify, any witnesses CEEEO 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 full CEEEO 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; 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.

Initial Assessment

Following receipt of a formal complaint, CEEO will engage in an initial assessment, which is meant to determine sufficiency of the complaint. During the initial assessment, the CEEO investigator will meet with the reporter to outline the CEEO formal grievance process and gather relevant information to make a jurisdiction determination. If, during the initial assessment, the available evidence shows that the matter is not within the scope of CEEO, the formal complaint will be dismissed. The parties will receive a dismissal letter outlining the justification and appeals information as outlined in the following section. A dismissal can happen at any point throughout the investigative process. If the matter falls within the scope of CEEO, notice will be sent to both parties as described in Section VI(B) and the complaint will proceed with the grievance process outlined herein.

Dismissal Letter

If at any point in the investigative process the evidence gathered indicates that no discriminatory or harassing behavior, sexual assault, domestic violence, dating violence, or stalking took place, the conduct described is not civil rights related, or does not fall within the jurisdiction of CEEO, CEEO will issue a Dismissal Letter to the parties, summarizing the evidence and its justification for dismissing the complaint. A Dismissal Letter can be issued at the beginning of the formal complaint being filed if the alleged conduct does not fall within CEEO's jurisdiction (e.g., academic dishonesty, bullying).

CEEEO will issue a dismissal in cases where the complaint is not jurisdictional to CEEEO. CEEEO will issue a Dismissal Letter, as required by Title IX of the Education Amendments of 1972, in cases that allege violation of [University Policy 2740](#) when:

- Alleged conduct does not meet the definition of sexual harassment under University Policy 2740 (which includes sexual assault, domestic violence, dating violence, and stalking);
- 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 Policy 2740, it may still proceed with a formal investigation under other applicable University policies ([UAP 2720, 2740, 3110](#)).

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

- Where a Complainant notifies CEEEO 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 a CEEO dismissal pursuant to Section X herein.

Even when it issues a Dismissal Letter, 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-closure 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 concerns including the UNM Police Department, Dean of Students, Academic Affairs, or Human Resources.

Complainant Meeting

Typically, as part of the formal investigation, CEEEO engages in an interview process with Complainant to determine the specific allegations Complainant requests CEEEO to investigate. This interview process may consist of multiple meetings, if needed. For example, the Initial Assessment meeting described in Section VI(C)(3)(a) may yield sufficient information to proceed, but that is not always the case.

During the interview, CEEEO 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, CEEEO will draft a written Confirmation of Allegations (COA) and provide it to Complainant within **two (2) business days** of the initial Complainant meeting in which they disclose the allegations. Complainant will have **two (2) business days** after receiving the COA to confirm its accuracy and then sign and return to CEEEO. When the interview process is complete, Complainant has returned the COA, and the specific allegations of policy violation(s) have been identified for investigation, CEEEO 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.

Respondent Meeting

If a formal investigation is elected, CEEEO schedules a meeting with Respondent. Prior to meeting with Respondent, CEEEO 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.

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 will conduct an investigation. As such, CEEEO has sole discretion to determine the relevance of information to the investigation. Any evidence that CEEEO finds irrelevant to the investigation will be documented in the Investigative Report for purposes of final review by the Hearing Officer.

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.

Inspection and Review Process

The parties will be provided an 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, CEEEO 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)(h) herein.

Post-Investigation Steps

At the conclusion of an investigation, CEEO will either dismiss the formal complaint pursuant to Section (VI)(C)(3)(b) or continue the investigatory process for further action if a dismissal is not warranted.

Investigative Report

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; a citation of evidence gathered that the investigator finds irrelevant; 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;
- 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 final 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 final 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 final 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 ([UAP 2720, 2740, 3110](#)) 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.

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, pursuant to the [University Hearing Procedure](#). 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.

OTHER MATTERS RELEVANT TO THE FORMAL GRIEVANCE PROCESS

General Statement of Investigation Timelines

CEEO attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of accepting a formal investigation (see Section VI(B)); however, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances (e.g., numerous witnesses, newly discovered evidence, new allegations). 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.

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, which includes incidents of alleged sexual assault, domestic violence, dating violence, and stalking. 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 Policy 2720](#); [University 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.

Modification of the Formal Investigation Process

CEEO 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:

Unaffiliated Respondents. If the Respondent is unaffiliated with UNM or becomes unaffiliated with UNM, CEEO may continue the formal investigation and issue an Investigative Report.

Hiring or Policy Challenges. CEEO may accept a hiring or policy challenge based on protected status, where the complaint demonstrates a potentially disparate impact on Complainant. In these situations, CEEO 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, CEEO may not name a specific Respondent and will issue only a Final Report, similar to a climate assessment described herein. See Section IX.

Failure to Report. See Section IV(C)(1).

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 CEEO 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 CEEO grievance process and investigation.

Conflict of Interest and Bias

When a party alleges that there is a conflict of interest or bias that would prevent CEEO from conducting a fair, impartial, and neutral investigation, CEEO will conduct an assessment to determine whether an actual conflict or bias exists. A party's perception of a conflict or bias do not create an actual conflict or bias. An actual conflict exists where it is demonstrated that:

- The investigator has or has had a personal relationship with a party; or
- The named parties include – in good faith – the President of the University or the President's Chief of Staff, as CEEO reports directly to these individuals.
- Each CEEO staff member is trained to disclose to CEEO leadership an instance in which they have a conflict or potential bias in a complaint assigned to them. An investigator is not presumed to have a particular bias based on any of their own protected statuses, prior affiliations, or prior investigation outcomes.

The Title IX Coordinator's or CEEO's direction to proceed with a formal complaint does not create an actual conflict of interest or bias for or against a party involved in the complaint. Such a direction does not endorse or accept as true the allegations in a complaint; rather, the direction is made to ensure UNM meets its obligations under the law and/or University policy.

If a party believes that a conflict of interest or bias affected the outcome of an OEO investigation, they may appeal any CEEO or Hearing Officer determination on that basis. See Section X.

SANCTIONS AND REMEDIES

CEEEO does not have sanctioning or disciplinary authority. If the Hearing Officer's final determination is that a policy violation (which may include sexual assault, domestic violence, dating violence, and stalking) 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 or misconduct (to include sexual assault, domestic violence, dating violence, and stalking) 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 policy.

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

If the Respondent is determined to have violated [University 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.

CLIMATE ASSESSMENTS; DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS

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 CEEO receives reports of alleged violation(s) of UNM policy, including but not limited to, alleged discriminatory actions to include sexual assault, domestic violence, dating violence, or stalking, and those reports include allegations that may affect multiple individuals in one department, CEEO 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 CEEO's or the Title IX Coordinator's sole discretion when the totality of allegations in one or multiple reports 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 CEEO conduct a climate assessment. Under such circumstances, the Department stands as the Complainant in the matter. In all such cases, CEEO, 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 CEEO 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 CEEO determines jurisdiction of a climate assessment, CEEO 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. CEEEO will also notify the Dean, Office of the Provost or Human Resources, or other party, as appropriate.

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 CEEEO has received new, factual information, or when the deadline has passed with no response, CEEEO 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 CEEEO 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. CEEEO 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.

Consolidated Complaints; Cross-Claims

Where there are several complaints against a Respondent by more than one Complainant, CEEEO may 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 CEEEO, 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.

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.

Hearings with Multiple Complaints against One Respondent

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

APPEALS

Parties may appeal a CEEO dismissal, the determination issued by the Hearing Officer, and accompanying sanction for findings of responsibility as follows. This includes appeals by a Complainant or Respondent involved in a proceeding involving an incident of alleged sexual assault, domestic violence, dating violence, or stalking.

Appeals to the President/Health Sciences Center (HSC) Executive Vice President (EVP)

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

UNM HSC students may appeal to the EVP with a discretionary appeal to the President of the University of New Mexico. The President Appeal Form should be used for appeals sent to the President of the University of New Mexico.

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

- 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.

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

Appeals 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 or HSC Executive Vice President.

Appeals may be submitted electronically through an [online Appeals form](#) or via email to 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, CEEO 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 CEEO 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.

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 are completed. The Board of Regents has sole discretion to determine whether the appeal will be considered. Additional information on appeals to the Board of Regents can be found at <https://policy.unm.edu/regents-policies/section-1/1-5.html>.

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 need to know that information. For example, those who are responsible for determining whether UNM policies have been violated or those sanctioning individuals found to have violated UNM policy to include committing sexual assault, domestic violence, dating violence, or stalking have a legitimate need to know the factual findings made by CEEO. Those who manage the processes for appeals of CEEO 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 written request, UNM will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime of offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

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:

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;

- 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);
- 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;
- 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;
- For the purpose of implementing supportive measures pursuant to Title IX; or

- When confidentiality concerns are outweighed by UNM's obligation to protect the safety or rights of others.

CEEO 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 to include incidents of sexual assault, domestic violence, dating violence, or stalking, please refer to [University Policy 2740](#).

CEEO 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 this grievance process.

UNM ADMINISTRATIVE HEARING PROCEDURES

ARTICLE 1. INTRODUCTION

1.1 General. This document provides a standard operating procedure for formal administrative hearings. This procedure may be incorporated in another procedure by reference, either as is or with appropriate modifications consistent with the other procedure. This procedure may also be used on an ad hoc basis to handle individual situations where a University official authorized to make policy decisions for the University determines that a formal hearing is an appropriate means to resolve the issue in question or where policy otherwise mandates. In such a case, a University official will inform the parties in writing that this procedure will be followed and will specify any modifications to this procedure. Certain policies may require that a hearing will be held only after the involved parties have attempted to resolve the dispute informally.

1.2 Definitions.

1.2.1 Complainant: the person or persons filing a formal complaint pursuant to [UAP 2720, 2740, 3110](#), CEEEO [Discrimination Grievance Procedure \(DGP\)](#), and any other person or persons requesting a formal hearing to review a determination of policy violation.

1.2.2 Respondent: the person responding to formal complaint filed by the Complainant, by CEEEO, or the Title IX Coordinator.

1.2.3 Parties: the complainant and respondent collectively.

1.2.4 Non-participating Party: a party who does not participate in the grievance process or who is no longer affiliated with the University.

1.2.5 Departmental Investigation: a formal complaint filed by a UNM entity rather than by an individual complainant. CEEEO files departmental investigations pursuant to [UAP 2720, 2740, 3110](#), [Discrimination Grievance Procedure \(DGP\)](#).

1.2.6 Individual Investigation: a formal complaint filed by a member of UNM staff in their official capacity, rather than by an individual complainant.

1.2.7 Hearing Officer: the decisionmaker appointed pursuant to policy, procedure, or by order of the Board of Regents or the President to hear the evidence presented by the parties at the hearing and to decide whether to uphold the decision being challenged or whether a policy violation has occurred.

1.2.8 Hearing Coordinator: the office or individual assigned to facilitate the hearing by providing administrative assistance to the Hearing Officer. The Hearing Coordinator has no substantive decision-making authority regarding the issues to be decided at the hearing or the outcome thereof.

1.2.9 Advisors: the designated individual assisting a party during the administrative hearing process.

1.3.0 Sanctioner: The individual or entity responsible for deciding the appropriate sanction when there is a determination that University policy has been violated. Sanctioning authority is determined by the policy that has jurisdiction over the Respondent.

1.3 Calculation of Time and Time Limits. Unless otherwise specified herein, the term “days” refers to regularly recognized University business days, and does not include weekends, holidays, or other University closures. The Hearing Officer shall extend any time limit set forth in these rules for good cause. Good cause shall include: the fact that a time limit includes finals week, periods such as vacations, holidays, or intersessions, the absence of parties, or the Hearing Office staff from the institution. Any time extension shall be communicated in writing to all parties along with a new written schedule.

1.4 Consolidation. There is a presumption that matters with the same parties and/or witnesses shall be adjudicated as separate matters. The Hearing Officer has the discretion to consolidate matters for the purpose of administrative efficiency.

1.5 Burden of Proof. The burden of proof is met when a preponderance of the evidence supports a finding of a policy violation. A preponderance of the evidence means that, based on the relevant, reliable evidence submitted, it is more likely than not that a policy violation occurred.

1.6 Decisionmaker Training. The hearing officer shall be required to complete specific training prior to the hearing. Such training will be prescribed by the CEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President. If so prescribed or ordered, the Hearing Coordinator will work with the appropriate University Department to obtain and provide the required training to the Hearing Officer prior to the hearing.

1.7 Sanctioner Training. Sanctioners shall be required to complete specific training prior to the sanctioning phase. Such training will be prescribed by CEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President.

1.8 Provision of Remedies. Remedies may be provided to a Complainant when a Respondent is found responsible for violating a University policy(ies). Any remedy must be designed to maintain the Complainant's equal access to the working/learning environment and may include the same individualized services described in the CEEO Discrimination Grievance Procedure as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies are confidential and are not included in the Respondent's sanction letter.

1.9 Accommodations for Disabilities. This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act

of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Hearing Coordinator at any point before or during the hearing process. The Hearing Coordinator shall work with University personnel including the Accessibility Resource Center (ARC), pursuant to University Administrative Policy 2310, or the ADA Coordinator or their designee to provide accommodation, as appropriate. Neither the ADA Coordinator nor ARC shall be required to provide the Hearing Coordinator, Decisionmaker, or other hearing participant the exact medical reason for the exception or accommodation.

1.10 Advisor designation/appointments. Each party must have an Advisor. A party may choose a person to serve as their Advisor or may request a University appointed Advisor at no cost by contacting the Hearing Coordinator. Parties do not have the right to self-representation for purposes of cross-examination.

A party must identify their Advisor two business days before the pre-hearing conference by contacting the Hearing Coordinator. A party must also disclose whether their Advisor is an attorney. If a party appears at the hearing without an Advisor, the hearing must be stopped as necessary to permit the University time to assign an Advisor to that party. A party cannot decline the assigned Advisor without first designating a new one.

A party may change advisors upon notice to the Hearing Coordinator; however, changing advisors within five (5) days of the hearing is strongly discouraged. If a party correctly asserts that an Advisor refuses to engage in cross-examination on the party's behalf, the University will provide an Advisor who will conduct cross-examination. If a party refuses to work with an Advisor who is willing to conduct cross-examination on the party's behalf, that party has no right to self-representation.

1.11 Advisors. Anyone may serve as an advisor. An advisor may be, but does not have to be, an attorney. A party may request that a University advisor be appointed to them free of charge. Advisors are not appointed to non-participating parties.

1.11.1 Advisor's role: The Advisor's role is to assist a party during the hearing process and to provide support during the hearing. An Advisor may also assist a party throughout the entire grievance process, as agreed upon by the Advisor and the party. Attorneys who serve as Advisors must follow the rules for Advisors. Non-appearance of a party at a hearing does not constitute a non-participating party.

The Advisor must cross-examine the other party, the other party's witnesses, and may ask all relevant questions and follow-up questions as permitted by the Hearing Officer, including questions that challenge credibility. If a party calls the other party as a witness, that witness is subject to cross-examination procedure and is questioned by the Advisor.

Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's Advisor and never by the party personally. A party's Advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Advisors shall not be allowed to answer questions posed to the parties or witnesses by the Hearing Officer or the other party's Advisor.

1.12 Party Role. The party's role is to designate an Advisor, prepare for the hearing, adhere to the proceeding timeline, ask questions of their witness/es, and otherwise fully participate in the process other than cross-examination.

1.13 Opening/Closing Statements. Only parties shall be allowed to make personal opening or closing statements at the discretion of the Hearing Officer. If the Hearing Officer allows one party this option, each party will have the same option.

1.14 Decorum. Administrative hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. As such, the University has adopted rules of decorum that prohibit any party, witness, Advisor, or Hearing Officer from questioning witnesses or parties in an abusive, intimidating, or disrespectful manner. These rules may be enforced through the removal of any participant who refuses to comply with said rules.

The rules and standards apply equally to all participants regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Advisor, Complainant, Respondent, witness, or other participant.

The following Rules of Decorum are to be observed in the hearing:

- Questions must be conveyed in a neutral tone;
- Parties and Advisors will refer to other parties, witnesses, Advisors, and institutional staff using the name and gender used by the person and shall not intentionally misname, deadname, or misgender any person in communication or questioning;
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, Advisors, or the Hearing Officer, or any other individual participating in the hearing;
- Advisors may not yell, scream, badger, or physically "lean in" to a party or witness's personal space. Advisors may not approach the other party or witnesses without first obtaining permission from the Hearing Officer;
- Advisors may not use profanity or make irrelevant personal attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question;
- Parties and Advisors may take no action at the hearing that a reasonable person would see as intended to intimidate or coerce a party, witness, Hearing Officer, or any other participant.
- 1.15 Warning and Removal Process. The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules.
- Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process. Where the Hearing Officer removes a party's Advisor, the party may select a different Advisor of their choice, or accept an Advisor provided by the University for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be

anticipated should an Advisor be removed. A party cannot serve as their own Advisor in this circumstance.

- The Hearing Officer shall document any decision to remove an Advisor in the written determination regarding responsibility.

ARTICLE 2. PREHEARING MATTERS

2.1 Notice of Hearing. Upon completion of its investigative report, the investigating entity will submit the investigative file or other relevant documentation in its entirety to the Hearing Coordinator. Upon receipt of the file, the Hearing Coordinator will schedule the date of the hearing. The Hearing Coordinator will send the parties notice of the hearing no less than ten (10) business days before the hearing date. The notice of hearing will include the following:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Burden of Proof Standard
- The time, date, and location of the pre-hearing conference (described in Section 2.2) and whether the pre-hearing conference will be held in-person or via virtual means
- The time, date, and location of the hearing, and whether the hearing will be held in-person or via virtual means
- Any technology that will be used to facilitate/record the hearing
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and parties to see and hear a party or witness answering questions. Such a request must be raised with the Hearing Coordinator at least five (5) business days prior to the hearing
- A list of all those who will attend the hearing
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer except in non-Title IX cases with a non-appearing party (see section 3.1). No inference will be drawn from the absence of a party.
- Notification that the parties may have the assistance of an Advisor at the hearing and will be required to have one present to conduct cross-examination
- Notification that if a party does not secure an Advisor of their choice, the University will appoint one free of charge
- A copy of all the materials provided to the Hearing Officer about the matter
- An invitation to contact the Hearing Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing

- Identification of which electronic devices are prohibited from being brought into the hearing

2.2 Pre-Hearing Conference. After receipt of the information specified in Section 2.3, the Hearing Officer will meet with the parties and/or their Advisors to consider clarifying or simplifying the issues to be heard by the Hearing Officer, answering any procedural questions, limiting the number of witnesses, or considering any other matters which may aid the conduct of the hearing. The Hearing Officer will also consider the submission of new, previously undiscovered evidence submitted by the parties, as described in Section 2.3.2. Unless otherwise agreed upon by both parties, pre-hearing conferences will be held separately for each party.

2.3. Preparation of Evidence.

2.3.1 All relevant evidence from the parties should have been submitted during the investigation preceding the hearing. The investigative file that is submitted to the Hearing Coordinator at the conclusion of an investigation contains the same evidence and documents that were provided to the parties during the investigation.

2.3.2 The parties may present any new, previously undiscovered evidence for use at the hearing two (2) business days prior to the pre-hearing conference, as described in Section

2.2. The Hearing Officer has sole discretion to determine whether the new evidence will be considered at the hearing. Approval of the Hearing Officer shall depend on the relevance of the document, whether the party could have obtained it earlier, the time remaining until the hearing, and the degree of prejudice to the other party.

2.3.3 All members of the University community shall cooperate with the parties' reasonable requests to provide evidence and to appear at the hearing as witnesses.

2.4 Notice Requirements for Parties. At least two (2) business days before the pre-hearing conference, each party shall provide the Hearing Coordinator with electronic copies of the following information, copies of which the Hearing Coordinator shall distribute to the other party(ies) and to the Hearing Officer:

2.4.1 A list of intended witnesses, or a statement that no witnesses will be called. If the parties present a list of intended witnesses, they shall provide a brief statement summarizing each witness' anticipated testimony. The Hearing Officer will rely on the investigative list of witnesses and their statements therein in lieu of a witness list in Departmental and Individual Investigations with a non-participating party. The Hearing Officer may place reasonable limitations on the number of witnesses, either before or after the list is submitted, but in no event more than two (2) business days prior to the hearing. The Hearing Officer may exclude witness testimony that is cumulative or irrelevant to the issue presented. No witnesses other than those on the list may testify without the consent of the Hearing Officer.

2.4.2 The name of any Advisor appearing with the party at the hearing and whether the Advisor is an attorney.

2.4.3 Electronic copies of any new, previously undiscovered evidence that the parties wish to be considered at the hearing. The Hearing Officer has sole discretion to determine whether the new evidence will be considered at the hearing.

ARTICLE 3. HEARINGS

3.1 Departmental and Individual Investigations. Where there are Departmental or Individual Investigations involving non-Title IX allegations with a non-participating party, the hearing officer may consider a non-participating party's statements if relevant; however, in all other regards, when Title IX and non-Title IX allegations are addressed together in one complaint at the same hearing, the procedures below will be used for all allegations.

The Office of Compliance, Ethics and Equal Opportunity (CEEEO) and the Title IX Coordinator shall not participate as complainants during the hearing process.

3.2 Evidence. The parties may testify, may present testimony of other witnesses, and/or introduce and explain documents and other evidence at the hearing. The Hearing Officer may exclude cumulative, unfair, or irrelevant evidence, but is not required to follow judicial rules of evidence.

3.3 Irrelevant Evidence. The Hearing Officer may exclude any evidence that is irrelevant, which includes but is not limited to:

- A complainant's prior sexual history, unless offered to prove consent with respect to respondent, or to prove that someone other than respondent committed the alleged conduct;
- Information protected by a legally recognized privilege cannot be used (i.e., attorney-client privilege);
- Statements not subject to cross-examination
- Duplicative evidence; and
- Parties' HIPAA-protected treatment records unless a party gives written consent.

3.4 Determination of a Question as Relevant. Before a party or witness answers a cross-examination or other question, the Hearing Officer must first determine if the question is relevant and explain any decision to exclude a question as irrelevant.

3.5 Order of Evidence. The Hearing Officer may, pursuant to Section 2.3, determine the order of evidence. The Hearing Officer may ask questions any time during the hearing.

3.6 Witnesses. The parties may present the testimony of witnesses in support of their case. The parties are responsible for ensuring that their witnesses appear to testify at a hearing. The parties 8

and the Hearing Officer shall have the right, within reasonable limits set by the Hearing Officer, to question the parties and all witnesses who testify orally. The Hearing Officer will require all witnesses to affirm the truth of the testimony they present. Witnesses are allowed in the hearing room for their testimony only.

3.7 Modified examinations. Reasonable limits may include any modifications the Hearing Officer deems appropriate under the circumstances, including but not limited to allowing a party or witness to testify

remotely. Requests for modifications to the method a party's or witness' testimony is elicited or presented must be included in the witness list submitted by the party seeking the modification pursuant to Section 2.4.1.

3.8 Record of Hearing. The Hearing Coordinator shall make a digital audio recording of the proceedings. The parties may request a copy of the recording. Such requests shall be made to the Hearing Coordinator. The Hearing Coordinator shall provide the party with a digital copy of the recording.

The record of the hearing shall consist of the digital recording and an electronic copy of all documents introduced as evidence. The record shall be kept by the University for ten (10) years after all appeals have been concluded or after the time for appeal has expired, whichever comes first.

3.9 Written Argument. After hearing the evidence, the parties have the option of submitting written arguments to the Hearing Officer. Parties must submit their arguments to the Hearing Coordinator no later than two (2) business days following the hearing.

3.10 Closing the Hearing. No new evidence may be submitted after the hearing, except for the parties' written arguments, if they choose. The hearing is deemed fully and finally closed for purposes of appeal pursuant to Section 4.0 herein upon the issuance of the Hearing Officer's determination, unless the Hearing Officer expressly leaves the proceedings open pending some later action to be taken by the Hearing Officer, a party, or another person or entity specifically identified in the Hearing Officer's express instruction that the hearing remain open pending the later action occurring.

3.11 Sanctioner. Sanctioners will work with the Hearing Officer to include an appropriate sanctioning determination in the final report. The sanctioner may attend the hearing or review the hearing record, to issue the proposed discipline contemporaneous to the finding.

3.12 Remedies. After a finding of responsibility by the Respondent, OEO or the Title IX Coordinator may provide remedies to the Complainant in adjudications involving UAP 2740. Remedies are confidential and will be provided only to Complainant, and their Advisor if given permission by the Complainant.

3.13 Closed Hearings. All administrative hearings shall be closed to the public and the media.

ARTICLE 4. APPEALS

4.0 Appeal. No appeal of the Hearing Officer's decision may be taken until the hearing is fully and finally closed as provided in Section 3.10 herein. Any subsequent appeal must be submitted pursuant to the timelines provided in the policy, procedure, or order authorizing the appeal.

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UNM LAND ACKNOWLEDGEMENT

Founded in 1889, the University of New Mexico sits on the traditional homelands of the Pueblo of Sandia. The original peoples of New Mexico – Pueblo, Navajo, and Apache – since time immemorial, have deep connections to the land and have made significant contributions to the broader community statewide. We honor the land itself and those who remain stewards of this land throughout the generations and also acknowledge our committed relationship to Indigenous peoples. We gratefully recognize our history.



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THE UNIVERSITY OF
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2022 Annual Security and Fire Safety Report

Crime and Fire Statistics for Calendar Years 2021, 2020, and 2019 and Policy Statements for the 2022-2023 Academic Year for UNM Main Campus and UNM Health Sciences Rio Rancho Campus

Prepared by the UNM Office of Compliance, Ethics & Equal Opportunity
in Compliance with the Jeanne Cleary Disclosure of Campus Security Policy and
Campus Crime Statistics Act

The purpose of republishing this ASFSR on September 30, 2023 was to reflect a discrepancy in the originally disclosed annual Clery Act crime statistics for Calendar Year 2021. Statistics that have been adjusted are highlighted in yellow. In 2024, the Violence Against Women Act (VAWA) statistics were adjusted to include all dating violence incidents under the domestic violence category, consistent with New Mexico state law's definition of a household member.

As reflected in this updated ASFSR, the UNM Health Sciences Rio Rancho Campus is a separate campus from Main Campus for Clery Act reporting purposes—not a Branch Campus as it was misrepresented in the initial publication of this 2022 ASFSR.

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EXECUTIVE SUMMARY

WHY THE NEED FOR THIS REPORT?

In compliance with the Jeanne Clery Act, UNM disseminates an Annual Security and Fire Safety Report (ASFSR) to current and prospective employees and students by October 1 of every year. The ASFSR includes crime and fire statistics for the preceding three calendar years in addition to details about efforts UNM takes to improve and maintain campus and fire safety, support victims of crime, and remain transparent in matters involving crime and other safety concerns.

The ASFSR helps existing and prospective students and employees of the University make informed decisions about whether to work, live, or study at our institution. It does so by providing information on the policies and procedures we have in place to help keep our students, staff, faculty, guests, and campus safe and by painting a straightforward picture of crime and life are like at UNM.

A GLIMPSE AT THE STATS

Over the past three years, UNM went from having an open, bustling campus in 2019 to a total move into the virtual age by 2020 and returned partially to a new normal halfway into 2021. The COVID-19 pandemic led to an increase in unemployment, individuals that were unsheltered, and families coping with quarantine and working and learning from home.

Domestic violence is thought to have increased nationally by double digits in major metropolitan areas as part of COVID-19 isolation, which is reflected in our numbers after campus opened partially in 2021. Motor vehicle thefts have also increased in NM and nationally. Despite this, UNM has remained a lower-risk area despite its status as a metropolitan university. Most crime rates in calendar year 2021 remained steady and some saw a decrease from those of previous years.

UNM'S POLICIES AND RESPONSE TO COMMUNITY NEEDS

Throughout 2021, UNM continued providing services to those in need, to include victims of misconduct and crime, at a time the campus community needed them the most. This was largely due to the fact that prior to the pandemic, UNM had already established its commitment to supporting the needs of our diverse community through policies, procedures, and programs that protect even the most vulnerable on campus.

Increased and targeted police patrols, paralleled by improved physical security systems at UNM's facilities and residence halls, helped ease the transition back to campus living, working on campus, and in-person classes. Emergency notifications and ongoing crime prevention and safety and security programming kept students and employees in touch with trends that were happening in the larger community. Behind the scenes, campus advocates, law enforcement, administrative authorities, and countless others campus-wide worked to protect the rights and quality of life of students, employees, and visitors by offering supportive measures, conducting outreach, enhancing awareness, investigating claims of misconduct, and mitigating threats to the wellbeing of the campus community.

WHERE DO WE GO FROM HERE?

With last year's crime statistics available, law enforcement officials and others involved in safety on campus can evaluate existing programs and assess the need for new approaches to prevention, enforcement, awareness, and victim support.

UNM comprises creative, scholarly, compassionate, and resilient individuals that come together as a community. The beginning of the 2022-2023 academic year has already shown great promise for a brighter future with public safety at the top of UNM's list of priorities. With new Title IX regulations coming down the pike and the anticipation of new guidance from the U.S. Department of Education on Clery matters, we have an opportunity to reinvigorate and empower Lobos with a new sense of stewardship for UNM, responsibility to self, and a devotion to helping others in need.



A MESSAGE FROM CEEO

DEAR FELLOW AND FUTURE LOBOS,

We are at a point in time where the world is ours to shape. With our full transition back to campus, there are smiling faces, classes are in person, and work is back in full swing. We have the opportunity to become an even better version of the community we have always been.

None of that would be possible without the sense of safety and security we have on campus.

COVID-19 has resulted in fluctuating crime rates nationwide. The nation has seen increases in crime thought to be related to COVID-19 and its aftermath.

And still, there is a pulse that runs through the UNM community—one that reminds people to look out for one another. This is why, in the past year, we have seen a large amount of third-party reporting and numerous safety measures and resources taken to make UNM a safer place to learn and work.

But UNM is not immune to crime and we at CEEO remain committed to making sure your experience at UNM is a positive one, full of learning, enjoyment, fulfillment, and freedom. We continue to partner with UNMPD to improve our safety notification processes and with resource center allies to continue providing victims the support they deserve.

We urge you to take advantage of the many, many safety and security programs on campus—for your own safety, safety of those around you, and your enjoyment of life. These include utilizing the LoboGuardian app and reporting things that seem amiss. We also encourage you to review the crime statistics leading up to this year, equipped with the knowledge that while they provide some insight into our recent past, crime reporting can vary greatly depending on factors like police resources, patterns in the overall community, individuals' perceptions of crime and attitudes toward reporting crime, and the stability of relationships and family cohesiveness during times of crisis and pandemic.

Most of all, we encourage you to take care of yourself and to come forward with suggestions and concerns you have regarding safety and security during your experience as a Lobo. Preventing crime takes a Pack.

Stay safe, Lobos.



Francie Córdova, JD
Chief Compliance Officer



Adrienne Helms
Clery Coordinator



BACKGROUND

THE JEANNE CLERY ACT

Jeanne Clery was a 19-year-old college student who was brutalized, raped, and murdered in her dorm room by another student on April 5, 1986. The student also burglarized her dorm room during the attack.

It is reported the university was aware that Jeanne's residence hall had 181 reports of the three locking exterior doors to the student dorm rooms being propped open by students—a major security breach the university failed to correct. Unknowingly, Jeanne had left her dorm room unlocked that evening because her roommate had forgotten her key, trusting that her campus was safe and secure.

Her parents, Howard and Connie Clery, distraught with grief and anger, advocated that institutions that receive federal funding must collect their crime statistics and publicize the information so consumers can make informed decisions about attendance and safety at any post-secondary institution that receives federal funding.

Their efforts along with those of others over the years resulted in passage of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act).

The Clery Act is a federal law that requires colleges and universities that receive federal funding to:

- Collect, classify, count, and publish campus crime data to the public and the Department of Education;
- Support victims of violence;
- Publicly outline the policies and procedures they have put into place to improve campus safety;
- Issue campus alerts (timely warnings and emergency notifications); and
- Maintain a daily crime log.

WHAT IS THE ANNUAL SECURITY AND FIRE SAFETY REPORT (ASFSR)?

Like other universities, UNM disseminates an Annual Security and Fire Safety Report (ASFSR) to current and prospective employees and students by October 1 of every year. The ASFSR includes crime and fire statistics for the preceding three calendar years in addition to details about efforts UNM takes to improve campus and fire safety.

The ASFSR also includes policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of and response to incidents of alleged sexual assault, domestic or dating violence, and stalking.

The ASFSR helps existing and prospective students and employees of the University make informed decisions about whether to work, live, or study at our institution. It does so by providing information on the policies and

procedures we have in place to help keep our students, staff, faculty, guests, and campus safe and by painting a straightforward picture of crime and life are like at UNM.

UNM makes the report available to all current students and employees via UNM email prior to the federal deadline. The ASFSR is also accessible for prospective students and employees and the community at large on [UNM's Campus Safety webpage: https://campussafety.unm.edu/](https://campussafety.unm.edu/)

Individuals may request a print version of the ASFSR from:

UNM Office of Compliance, Ethics, and Equal Opportunity (CEEEO)
609 Buena Vista Dr NE
Albuquerque, NM 87106
505-277-5251
ceeo@unm.edu

UNM Health Sciences Rio Rancho Campus

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.
- The site is not reasonably geographically contiguous with the main campus.
- The site has an organized program of students.
- There is at least one person on site acting in an administrative capacity.

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

HOW UNM PREPARES THE ASFSR

The Clery Coordinator with the Office for Compliance, Ethics & Equal Opportunity (CEEEO), ASFSR with the assistance of the UNM Police Department (UNMPD) and other areas of campus. The Clery Coordinator collects information from a multitude of stakeholders on campus to collect information for the ASFSR that includes:

- All applicable policies and procedural documents the Clery Act requires
- All crime prevention and educational programming efforts offered by UNM for the campus community
- All the reporting avenues available to the UNM community to report crimes
- All crime and fire statistics the Clery Act requires

Additionally, as required by the U.S. Department of Education, the Clery Coordinator stays updated on any new initiatives or compliance information to is pertinent to ASFSR.

UNM'S POLICE & SECURITY PERSONNEL

THE UNIVERSITY OF NEW MEXICO POLICE DEPARTMENT (UNMPD)

All University of New Mexico Police Department (UNMPD) officers meet all state certification standards mandated by the New Mexico Department of Public Safety and are commissioned by the UNM Board of Regents ([Section 29-5-2 NMSA 1978](#)).

UNMPD is open 24 hours a day, 365 days a year to respond to the needs of the UNM community needs. The Department utilizes interoperable radio communications and communicates with other police agencies, fire and rescue personnel, and UNM Hospital during emergencies and in the course of providing mutual aid.

UNMPD officers have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances, and campus traffic regulations which includes the authority to arrest. UNMPD investigates complaints of criminal activity on campus, 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 UNM's Greek letter organizations and student housing areas.

Safety Escorts

The UNM Police Department offers safety escort services to anyone needing a safety escort from an on-campus location to another on-campus location 24 hours, 7 days a week. They do not provide safety escorts to off-campus locations. Members of the UNM community can call 505-277-2241 to for more information or to request a safety escort.

Daily Crime and Fire Logs

UNMPD maintains a Daily Crime and Fire Logs on the [UNMPD website](#) of all crimes reported by CSAs on the UNM Main Campus. For each entry, UNMPD provides:

- The date and time an offense was reported
- Incident type
- Location of incident
- Disposition

The information in this log does not include any personal identifying information about victims.



PARTNERING AGENCIES

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 Memorandum of Understanding (MOU) in place that stipulates who has primary jurisdiction to make arrests, enforce laws, and investigate crimes within the City. UNMPD's primary jurisdiction is all UNM- leased or -owned property located on UNM's Main Campus and within the City of Albuquerque. APD's retains primary jurisdiction on properties within City the University does not own or lease, which includes off-campus apartments that are within close proximity to campus. Under their agreement, APD and UNMPD may request mutual aid from the other to handle any investigative or other law enforcement-related situation, event, or alleged criminal activity occurring on or off campus.

UNMPD has a similar written agreement in place with the Rio Rancho Police Department (RRPD) concerning law enforcement and investigations at the UNM Health Sciences Rio Rancho Campus.

By statute, New Mexico State Police (NMSP) has jurisdiction to arrest and enforce state laws within the entire state of New Mexico, which includes on UNM Main Campus and the UNM Health Sciences Rio Rancho Campus.

UNMPD routinely collaborates with APD, the Bernalillo County Sheriff's Office (BCSO), RRPD, the Albuquerque Aviation Police Department (AAPD), NMSP, and a variety of federal agencies, both on campus and in areas within proximity to campus. This interagency collaboration facilitates the presence of multiples agencies on campus at large-scale special events, such as football games and student graduations.

UNM SECURITY PERSONNEL

UNM's Campus Security officers are employed by UNMPD. Campus Security officers are in constant contact with the public, providing Provides escort services for visitors, students, staff, and faculty as needed along with other public assistance, such as lockout services, jump-starts, and information requests. Security personnel are also responsible for securing buildings and facilities, performing periodic checks of safety equipment such as lights and blue light emergency phone, and patrolling on foot and in marked vehicles. They also perform security surveys and monitor closed buildings for unauthorized persons and/or suspicious activities.

Campus security officers do not have the authority to arrest or conduct other police activities UNMPD is certified to carry out.

POLICE AND SECURITY AT UNM HEALTH SCIENCES RIO RANCHO CAMPUS

The Sandoval Regional Medical Center (SRMC) Security team is responsible for 24/7 patrol of the UNM Health Sciences Rio Rancho Campus.

The Rio Ranch Police Department (RRPD) has primary jurisdiction and arrest authority. Rio Rancho Campus staff has access to duress buttons at specified locations to request the assistance of SRMC Security.

UNMPD does not have arrest authority at the Rio Rancho Campus. However, the UNM Health Sciences Rio Rancho Campus community receives the same training on safety and crime prevention as the UNM Main Campus community does.

SECURITY AT UNM FACILITIES

SECURITY OF BUILDINGS ON MAIN CAMPUS

Classrooms and other nonresidential buildings on Main Campus are generally open during regular business hours, when class is in session, and for special events. However, as part of our safe campus initiatives, building access is limited after hours. Access to these buildings after regular business hours is only granted to those with key or card access to the respective building. Persons authorized to remain in the building after hours must always have proper identification on them.

Police and Security personnel conduct frequent internal and external checks of all buildings on campus and UNM operates a computerized intrusion and fire alarm system to monitor most facilities throughout enhance personal, property, and building security throughout the year. In addition to conducting foot, bicycle, segway, and vehicle patrols, UNMPD also utilizes closed-circuit television (CCTV) to monitor various buildings and areas on campus.

SECURITY AT UNM'S RESIDENCE HALLS

In 2021, UNM's Residence Life and Student Housing (RLSH) housed approximately 2,000 students in its ten residence hall complexes on campus. UNM considers the safety and security of these facilities a priority for the wellbeing of residents, their guests, and the larger campus community.

Residence Hall perimeter doors are secured at all times. Key fob access is provided for entry into Alvarado Hall, Coronado Hall, Hokona Hall, Laguna Hall, DeVargas Hall, Santa Clara Hall, Lobo Rainforest, Redondo Village Apartments. Access control within Student Residence Center Apartments is controlled entirely by mechanical key access.

Access to ACC's residence hall located on South Campus (Lobo Village) is restricted to residents and their guests with a vehicle access gate and fob-access pedestrian gates. Individual apartments are also secured with fob access. Casas Del Rio is controlled by fob access or mechanical keys.

ACC contracts security out to a third-party company for Lobo Village and stations officers at the front gate. Security officers also roam the property after dark and are accompanied by UNMPD during weekend or other nights as needed. Student housing staff (Resident Advisors (RAs) and professional staff) also conduct routine rounds on foot to inspect properties, identify security, safety, and maintenance problems, and follow up with work orders to rectify gaps in security and safety.

Two of UNM's Fraternity & Sorority Life houses that are situated on UNM-owned land are classified as On-Campus Student Housing: Kappa Kappa Gamma and Pi Beta Phi. Security is controlled by each individual Greek Letter Organization.

In addition to conducting foot, bicycle, Segway, and vehicle patrols, UNMPD also utilizes closed-circuit television (CCTV) to record various residential buildings and general housing areas on campus for investigative purposes.

Staff and Security Personnel

Each facility has staff on duty during evening hours who respond to resident needs. Resident Advisors (RAs) live in the residence halls and are available at each residence hall to assist students and document any incident that occurs. UNM briefs student residents on housing policies, fire safety information, and crime prevention during orientation and floor meetings at the start of each semester. Further information may be obtained from the [Residence Hall Handbook](#).

In addition to RAs and other housing staff embedded within UNM's residence halls, the Student Residence Center (SRC) desk is open 24/7 and serves as a service and emergency contact point for all residents on campus. Student Safety members stationed at SRC monitor residence hall perimeters and adjacent parking lot areas and communicate directly by radio with UNMPD. Student Safety also provides escort services to students within the residence hall area of campus.

SAFETY WALKS AND ONGOING MAINTENANCE

Each year in the fall, UNM facilitates Campus Safety Walks through campus as part of its annual Campus Safety Week. Safety Walks offer unique opportunities for students, faculty, staff, and others to get to know campus. During the Walks, participants help identify areas in need of better lighting, pruning, accessibility, maintenance and other safety and security measures. The Safety Walk facilitator collects participants' input and submit the results to the appropriate offices on campus so they can work to rectify any issues.

The [UNM Facilities Management \(FM\)](#) is a key player in this annual process, in addition to their routine evaluation of maintenance, security, and safety of UNM facilities throughout the year. Members of the University community can also submit work order requests to FM using their online [Work Order Request Form](#).

UNM's Security Operations Director and Emergency Manager also collaborate during this process by providing guidance and technical expertise on UNM's security systems, operations, and technologies and emergency management.

Key UNM personnel, including the Clery Coordinator and members of UNMPD to include the Security Operations Director, provide input on new buildings and other campus projects regarding security and safety considerations. and the security utilized in the planning of those buildings for both UNM Main and the UNM Health Sciences 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.

SECURITY AT UNM HEALTH SCIENCES 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.

AWARENESS & CRIME PREVENTION PROGRAMS AT UNM

UNM offers many safety and security awareness and crime prevention programs on campus. These programs are designed to inform students and employees about campus security procedures and practices, encourage students and employees to take responsibility for their own security and the security of others, reduce risks associated with dating violence, domestic violence, sexual assault, stalking, and other crimes, and keep member of the campus community free from discrimination. UNM, in good faith, encourages everyone to take advantage of the many programs and courses that are available to everyone.

SAFETY AND SECURITY PROGRAMS

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).

Campus Safety Week. [Campus Safety Week](#) is a time when the UNM Community comes together to observe [National Campus Safety Awareness Month \(NCSAM\)](#), held every year in September. Workshops and other activities held throughout the week are designed to bring more awareness and education to safety-related topics that affect UNM students, faculty, and staff, and the larger community of which UNM is a part. Events UNM departments have sponsored in the past include:

- Campus Safety Walks
- Digital Safety Presentation and Twitter Chat
- Fire Extinguisher Training
- When Disaster Strikes: Emergency Response on Campus
- Naloxone & Fentanyl Testing Strip Training
- Active Attack Preparedness & Response
- Coffee with Our Cops

Bicycle Registration. UNMPD strongly recommends that anyone owning a bicycle at UNM register it with the Department. Registration is free and valid for four years. Students and employees can register their bicycle by using UNMPD's [online Bicycle Registration Form](#) or in person on the west end of Hokona Hall (2500 Campus Blvd NE).

Safety Tips. UNMPD, along with other departments of the University, provide tips for students and employees on topics such as [pedestrian, skateboarding, and bicycling safety](#), [safety in social settings](#), [sexual exploitation survival](#), and [responsible drinking](#). RLSH and ACC provide campus residents with safety



tips in the residence halls during monthly meetings and via flyers, bulletin boards, email, and social media.

Safety Planning Workshops. Resource centers on campus such as the [Women's Resource Center \(WRC\)](#), [LoboRESPECT Advocacy Center](#), and [LGBTQ Resource Center](#) specialize in working with individual to develop safety plans for any number of reasons. Students and employees can visit any of the centers or access safety and security safety planning information and obtain guidance from an experienced campus advocate.

Safe Spaces and RIMA Workshops and Presentations. UNM's Office for Diversity, Equity & Inclusion explores the experiences of BIPOC4 (Black, Indigenous and People of Color, to include individuals identifying as Asian/API, Latinx, and/or Multiracial), persons with disabilities, and LGBTQIA undergraduate and graduate students at UNM and designs appropriate interventions to enhance UNM's inclusive climate. DEI offers Racial & Intersectional Microaggressions (RIMA) presentations and workshops throughout the year. Scheduled events are posted on the [Campus Climate website](#).

Safe Zone. Safe Zone training is a capstone program of the UNM [LGBTQ Resource Center](#). The four-hour training covers topics such as: Intersections of Identity, Microaggressions, the Coming Out process, creating equitable spaces for Transgender individuals, and more. The LGBTQ Resource Center provide Safe Zone training events in person and online throughout the year.

New Student Orientation. To help new Lobos get acquainted with UNM, all incoming students complete the [New Student Orientation \(NSO\)](#) program. NSO provides the opportunity to learn about campus resources, make connections with faculty and staff, and register for courses. During NSO, students participate in virtual and in-person workshops before their first semester of enrollment about a variety of safety and security topics.

Family Connection. The [Family Connection \(FC\)](#) orientation program, which runs concurrently with NSO, is for parents, grandparents, guardians, and other family members who have a traditional freshman student starting at UNM. Students' family members who participate in the online and in-person FC sessions over the summer receive information about safety and security on campus and ways their students can protect themselves and their belongings during their time at UNM.

e-CHUG. In the spring of 2011, [COSAP](#) worked with the Dean of Students staffs to add an online alcohol assessment to the NSO experience. As students register for their mandatory orientation program, the online procedures include instructions on how to complete the [Alcohol eCHECKUP TO GO \(e-CHUG\)](#) before their scheduled orientation date. While the instruction to complete the e-CHUG has not yet been made mandatory for entering or current students, we encourage all UNM students to complete e-CHUG. Approximately 132 UNM students completed the assignment between 6/27/21 and 6/27/22. The e-CHUG has been shown to be effective in studies of various student populations at a variety of

colleges including UNM and methods for increasing its adoption among entering first-year students are being considered.

Curriculum Infusion. COSAP to this date remains open to incorporating alcohol and other drug-related issues into courses required of first-year students and working with instructors, Chairs and Deans of the departments that provide undergraduate degrees to share and present information to students. COSAP continually provides presentations to class sections in a variety of disciplines and strives to incorporate its prevention message into class content.

New FSL Member Summit. The [Fraternity and Sorority Life \(FSL\)](#) staff in the [Student Activities Center \(SAC\)](#) is committed to building a community that values learning. As such, there are essential programs and educational events that are designed to help members acclimate to Greek Life. During [New Member Summit](#) and over the course of the year, many important topics are covered such as alcohol education, hazing identification, reporting, and prevention, and sexual assault reporting and prevention.

The Barrier Necessities Program. To decrease the transmission rate of sexually transmitted infections (STIs) among sexually active UNM students and to ensure all students have the option to protect themselves and others, [SHAC](#) facilitates [The Barrier Necessities](#). This program is an expanded condom distribution initiative (implemented on October 17, 2011), to ensure UNM students have access to free condoms and dental dams without obstacle year-round. SHAC also provides resources and materials online and at the center, such as [Safer Sex](#) tips.

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 as part of employee orientation and on an annual basis, which is the primary prevention and awareness program for faculty and staff. The online training 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 provides:

- A discussion on sexual misconduct, specifically the definitions and prevention strategies for dating violence, domestic violence, sexual assault and stalking, which are prohibited under UNM [Policy 2740](#)
- The meaning of “consent” pursuant to UNM [Policy 2740](#)
- Positive and safe bystander information
- Information on reporting incidents of sexual violence, domestic violence, dating violence, stalking, including anonymous reporting options and a description of whom UNM designates as mandatory reporters
- UNM’s response to reports of incidents of sexual assault, domestic violence, dating violence, or stalking and parties’ rights within disciplinary proceedings

Active Shooter on Campus: Run, Hide, Fight. This training module is included in UNM's mandatory training for new employees and available on demand. [Run, Hide, Fight](#) demonstrates techniques for reducing harm and risk during an active shooter incident for individuals and those around them. Like other crime prevention programs on campus, Run, Hide, Fight empowers employees and others to take responsibility for their own safety the greatest extent possible.

Information Privacy and Security Awareness. This mandatory and on-demand training for new employees provides participants with strategies for keeping information online private and helping prevent cybercrimes.

CRIME PREVENTION PROGRAMS

Crime Prevention Tips. UNMPD and other departments on campus provide tips on ways individuals can help protect themselves, their loved ones, their property, and their community from crime. Paper brochures, flyers, and other literature at various locations throughout campus, and several departments post crime prevention tips on their websites and social media pages throughout the year.

Crime Prevention Through Environmental Design (CPTED). UNMPD, CEOO, FM, RLSH, and ACC work collaboratively to conduct security assessments and develop solutions for deterring criminal activity on campus properties throughout the year.

The Grey Area. UNM provides a mandatory sexual misconduct prevention training called [The Grey Area](#) to all qualified UNM students. The Grey Area is a one-time, in-person session that is required of all UNM students currently enrolled in six credits or more in a degree-granting program with a regular presence on campus. This includes branch campus students and those enrolled at the Health Sciences Center and UNM Law School. Individuals can [register for a free The Grey Area training session online](#).

Know Your Title IX. The [Title IX Coordinator](#) within [CEEO](#) provides free training throughout the year to various groups of students, faculty, and staff on all UNM campuses on Title IX topics to include policy and investigatory procedures, understanding the most recently updated regulations, exploring newly proposed regulations, and sexual violence prevention. The Title IX Coordinator tailors presentations to the needs of various audiences such as Campus Security Authorities (CSAs) and student housing staff. Individuals and groups can request online and in-person training using the online [CEEO Training Request Form](#).

Sexual Assault Prevention. The LoboRESPECT Advocacy Center offers various resources and training presentations on sexual assault prevention. Topics include [consent](#), [active bystander intervention](#), [healthy and unhealthy relationships](#), and [avoiding dangerous situations](#).

ACTIVE BYSTANDER INTERVENTION EDUCATION

A bystander is a person who observes a 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 make a situation worse. 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 "Could I play a role here?"
 - If no one intervenes, what will likely happen?
 - Is someone else better equipped to respond?
 - What would be my purpose in responding?
3. Assess your options for providing help. Use your words; don't use violence to end violence.
4. Determine the potential risk(s) of taking action.
 - Are there risks to myself and/or others?
 - Is there a low-risk option?
 - How could I reduce risks?
5. Determine how to implement your choice(s) safely.

Protect the Pack!



RISK REDUCTION STRATEGIES

All members of the UNM community are encouraged to develop sound decision-making habits and lifestyles that enhance their safety and that of those around them. Anticipating and reducing risks empowers all individuals to take responsibility for their own safety and security, lessening their potential to be a victim of sexual assault, domestic violence, dating violence, stalking, and other crimes.

The following is a list of tips individuals can use to help reduce their risk of being the target of crime at UNM. These tips are also embedded in the various safety, security, and crime prevention programs, courses, and tabling events available and/or mandatory for new and current students and employees.

The reminders included below are not intended to cast blame on individuals who do become or have been victims of crime. The person who commits a crime is the only one responsible. The tips that follow are intended as strategies for reducing individuals' risks for being targeted.

Personal Safety and Sexual Assault Prevention Tips:

- Exude confidence--walk upright, make eye contact, face others directly, and speak clearly.
- Be aware of how alcohol, prescriptions, and illegal drugs may affect or impair you—especially in a social setting.
- Avoid unlit areas. Some criminals break lights on purpose.
- Always avoid walking or running with earbuds and be aware of your surroundings.
- Communicate with your office, friends, or family about your whereabouts. The [Lobo Guardian app](#) allows you to set a safety timer and status for friends and family so they can check in on you. It also serves as a blue light emergency phone and easily place a call to the police if you find yourself in an unsafe or emergency situation.
- Be aware of personal information you broadcast on items like car decals, jewelry, bags, and license plates.
- When interacting with others, pay attention to how they act--not just what they say.
- Carry a cell phone. Keep track of addresses, street names, and landmarks nearby so you can quickly tell someone where you are if you need to call for help.
- Never, ever, leave your drink unattended. If you do leave your drink unattended for any amount of time in a social setting, get a new one and watch all your drinks being prepared or opened. One option to avoid being served an unknown drink or drug is to bring your own alcohol and drink only it. That way, you will know what is in it and how much you have consumed.
- Some of the drugs predators use to incapacitate their targets do not show obvious signs. A person under the influence of Rohypnol (or “roofies”), for instance, might appear to be acting completely normal and may even reassure their friends they’re ok to be left alone. Make a pact with your friends when you go out to a party, restaurant, or event to come back home together.
- If all an attacker wants is your bag or other material possession, let it go and call the police.

- Wear clothing that is non-restrictive. Keep a second pair of shoes in your car in the event you end up in an unfamiliar or unsafe area.
- Never give out your personal phone number, address, family or travel plan details to a stranger or someone you do not trust.
- Avoid offers of unsolicited help and anyone who does not take "no" for an answer if you decline their help.
- Avoid opening or closing an office or classroom alone. Pair up with someone to study or work late or let others know where you are and when to expect you back.
- Walk with others after dark or use UNM's [Campus Escort Service](#).
- Never prop doors to residence halls or other campus facilities open or let others piggyback behind you as you key or fob in.
- Follow your instincts. If something does not seem right, follow your gut and go to a safe location.
- Always report suspicious activity to the UNMPD by calling 505-277-2241.

Travel and Transportation Safety:

- Do you have SDS (Sitting Duck Syndrome)? The second you get into a vehicle, lock the doors. Otherwise, you are a vulnerable target for anyone with bad intentions—especially if they saw you leave the pharmacy with prescriptions, the ATM with cash, or the Bookstore with Lobo merch!
- Keep your gas tank at least half-full at all times to avoid having to stop in an unfamiliar or unsafe place to fill up.
- Limit the amount of time you spend waiting on a train platform or at a bus stop and always have your fare and/or ID in hand.
- Plan your trips and familiarize yourself with the areas in which you will be to avoid ending up in an unfamiliar or unsafe area.
- When riding the bus, sit close to the driver and make sure they see you. If anyone bothers you on the bus, yell loudly at them to stop, bringing attention to other riders and the driver.
- When approaching your vehicle or home, carry your key in hand. Make it a habit to lock the doors immediately once you close the door.
- Park in well-lit areas that are monitored or have heavy foot traffic. Consider backing into your parking space so it is easier to exit the area quickly if you need to.
- Keep doors locked and windows up when making frequent stops, and always when pumping gas.
- Keep your gas tank at least half-full to avoid having to stop in an unsafe location.
- If you are approached while in your vehicle and feel as if you are in danger, stay inside with the windows up and doors locked. Call the police, leave the area, or both.
- Never accept rides from or offer rides to strangers, and report hitchhikers to the police.
- 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.

- Never leave personal items or valuables unattended.
- 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.
- Park in well-lit locations, preferably those that are witness-rich and free from visual obstacles that may block your line of sight while entering or exiting your vehicle.

Reducing Risk at Home:

- Never leave rocks or other loose, heavy objects near glass doors or windows. Having them nearby makes it tempting and easy for someone to pick one up and use it to break the glass.
- Be aware of things around your home that could serve as natural climbing devices. A few examples are tall trees, ladders, fencing, or vehicles. Keep all your home's windows locked (or pinned so they only open a certain amount) at all times—regardless of which story they are on.
- Never store your spare key around your home or in/on one of your vehicles. Instead, ask a neighbor you trust to hang on to your spare key. Preferably, the neighbor is one who is frequently home and likely to be available whenever you might need your key. Change or rekey your locks every time you move into a new home or apartment, or when the security of your keys gets compromised.
- Keep exterior windows and doors locked at all times, even when you are home to avoid becoming a victim of opportunistic assault by a burglar.
- Make sure every exterior door on your home has a high-quality, working light above it.
- Flowers, tall grass, and other attractive ground cover can help keep people off areas where you do not want them to walk, drive, or park. Trim shrubs down to a height no taller than two feet (2') and tree branches are pruned up to a height no less than eight feet (8') off the ground. You can also apply this rule of thumb to spaces around your home's doors and windows, where you park, and near amenities you use regularly, such as a mailbox. Keep shrubs and trees pruned away from windows, doors, lights, and cameras.
- Ask a trusted neighbor to help make your home look occupied while you are away on vacation or other travel.
- Make it obvious to visitors which door you want them to use. You can do this with elements like low walkway safety lights, low shrubs, potted plants, pavers, or other decorative items along the walk leading up to the front door.

Reducing Risk Online:

- Avoid broadcasting personal details about issues you are having in your personal life. Oversharing makes you vulnerable to bad actors, like human traffickers and stalkers who are looking for victims to target. NEVER broadcast information...
 - ...about your whereabouts or routines
 - ...about problems at home
 - ...about your relationship troubles

...about financial problems

...you wouldn't want someone else to pass forward

- If you decide to meet someone in person who you met online, have a safety plan in place. Meet in a public place or with a group of your friends. Let others know what your plans are and when you'll be back so they can check on you. The [Lobo Guardian app](#) allows you to set a safety timer and status for friends and family so they can check in on you. It also serves as a blue light emergency phone and easily place a call to the police if you find yourself in an unsafe or emergency situation.
- Be an awesome friend and if you can't, then be a good human. If someone expresses concern about someone they met online or in person, listen.
- Take steps to [avoid becoming a victim of sexual exploitation](#)
- Only use secure websites with urls beginning with [https://](#), especially when purchasing something online.
- Never give your personal information to untrusted sources.

Prescription Medication Safety:

- Avoid broadcasting the types of medicine that are prescribed to you.
- Consider securing narcotics in a locked cabinet to reduce the possibility of theft.
- Before leaving the pharmacy, conceal all your medications in a purse, bag, or jacket.
- Never leave prescriptions or pharmacy bags in plain sight in your vehicle or home.
- Use a dark marker to black out your name and the type of medicine you had when you throw away empty prescription bottles. This can prevent trash pickers from knowing what you have in your home or stealing your personal information.
- Be open to the possibility that in some cases, even a member of your family, a casual visitor, or an employee could be or is the one trying to steal your medication.
- If you have been a victim of medication theft, contact law enforcement and your physician right away. Don't be ashamed to ask for a refill – your doc prescribed it for a reason.

HOW & WHEN TO REPORT AN EMERGENCY & OTHER CRIMES

REPORTING AND GETTING HELP IN AN EMERGENCY

In an emergency, anyone experiencing or witnessing a crime should dial 911 or 505-277-2241 to reach UNMPD directly.

Dialing 911 from a campus telephone automatically connects the caller to UNMPD's Communications Center (dispatch). If a cell phone is used to dial 911, the APD Communications Center receives the call who swiftly transfers the call to UNMPD if they learn the incident is occurring on campus. The 911 system automatically traces the location of all incoming calls, which enables officers to respond even when a caller cannot provide the location.

When placing a 911 call from any phone outside of the Albuquerque metropolitan area, the 911 system will connect the caller to the law enforcement agency located within the area the call is being placed.

Special telephones that provide emergency services for individuals who are deaf or hard-of-hearing are placed at various locations on the UNM campus. UNMPD receives training on how to operate and handle calls they receive through the Telephone Device for the Deaf (TDD). The TDD service is available 24 hours a day, seven days a week by calling 505-277-0888.

Blue light emergency telephones, which are direct lines to UNMPD's dispatch center, are located strategically throughout campus. Anyone experiencing or is witness to any emergency (criminal activity, fire, or medical crisis) can activate this phone by pressing the red button on any of the towers. A UNMPD dispatcher will answer the telephone promptly and communicate with the individual through the telephone's speaker. The blue light over top of the telephone will flash for the duration of the call to help emergency personnel locate the caller. Blue light emergency telephones can only place calls to UNMPD dispatch and are not capable of making other calls. They are designated for emergency use only and labeled accordingly.

Upon receiving a request for assistance, UNMPD will dispatch officers to the location of the incident to assess the situation, ensure the safety of the parties in need of assistance, and investigate where appropriate. When necessary, UNMPD may request aid from a partnering agency.

UNM encourages all members of the campus community to store UNMPD's and other agencies' phone numbers as contacts in their mobile phone or have them readily available in the event of an emergency.

REPORTING PAST CRIMES TO THE POLICE

UNM strongly encourages any member of the UNM community who is the victim of, or witness to, **any** crime to promptly and accurately report the incident to UNMPD (505-277-2241) if it occurred on Main Camps, and to RRPD (505-891-7226) if the incident occurred at the UNM Health Sciences Rio Rancho Campus. UNM

encourages all individual to report a crime to the police when the victim of a crime elects to, or is unable to, make such a report.

Crimes committed off UNM's Main Campus should be reported to the police agency: APD (505-242-COPS or 505-242-2677) or BCSO (505-468-7100).

Police Reports as Public Information

Under New Mexico law, the original entry police report must be made available for review by the public upon request. Supplemental police reports that detail the investigation and including the names of the parties involved are not available for public inspection during a police investigation. Following the closure of a UNMPD investigation, the Department maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

REPORTING CRIMES TO CAMPUS SECURITY AUTHORITIES (CSAS)

In addition to, or in lieu of, reporting a crime to the police, members of the UNM community have the option of reporting a crime to one of UNM's many Campus Security Authorities (CSAs) on campus.

The role of Campus Security Authorities (CSAs)

CSAs are defined under the Clery Act as individuals at UNM who, because of their function for the University, have an obligation to notify UNMPD of alleged Clery Act crimes that are reported to them in good faith, or alleged Clery Act crimes that they may personally witness. CSAs are defined by their University function, not by job title.

The Clery Act defines four categories of CSAs:

1. Campus police or security department. All members of the UNM Police Department are CSAs. Security officers at the UNM Health Sciences Rio Rancho Campus are also CSAs.
2. Any individual who is responsible for campus security in some capacity, but who is not a member of UNMPD. This includes parking facility attendants, persons monitoring access to UNM events, UNM Hospital security, and **Student Safety**.
3. Any individual or office at UNM identified in a University policy as an individual or office to which crimes should be reported
4. University officials and others who have significant responsibility for student and campus activities

The following list identifies some of the UNM departments with dedicated CSAs to which individuals can report crimes. Reporters can also make reports directly to individual CSAs, such as coaches, student activities advisors, or resident advisors (RAs).

Department with CSAs	Phone and/or Email	Physical Address
University of New Mexico Police Department (UNMPD)	Phone: 505-277-2241 Email: police@unm.edu	West end of Hokona Hall 2500 Campus Blvd NE Albuquerque, NM 87131
UNM Hospital Security	Phone: 505-272-2160	2211 Lomas Blvd NE Albuquerque, NM 87106
Office of Compliance, Ethics & Equal Opportunity (CEEO)	Phone: 505-277-5251 Email: ceeo@unm.edu	609 Buena Vista Dr NE Albuquerque, NM 87131
Dean of Students Office	Phone: 505-277-3361 Email: doso@unm.edu	University Advisement and Enrichment Center Room 281 Albuquerque, NM 87131
Student Activities Center (SAC)	Phone: 505-277-4706 Email: sac@unm.edu	Student Union Building 1018 Albuquerque, NM 87131
Athletics	Phone: 505-925-5835	Colleen J. Maloof Administration Building 1414 University Blvd SE Albuquerque, NM 87106
Residence Life and Student Housing (RLSH)	Phone (24/7 Help Desk): 505-277-2606 Email: housing@unm.edu	2700 Campus Blvd NE Albuquerque, NM 87106
American Campus Communities (ACC): Lobo Village	Phone: 505-925-5575 Email: lobovillage@americancampus.com	1200 Avenida César Chávez Albuquerque, NM 87106
American Campus Communities (ACC): Casas del Rio	Phone: 505-277-1619 Email: casasdelrio@americancampus.com	420 Redondo East Albuquerque, NM 87106
Global Education Office (GEO)	Phone: 505-277-4032 Email: geo@unm.edu	2120 Mesa Vista Hall Albuquerque, NM 87131
National Student Exchange Office	Phone: 505-277-3361 Email: doso@unm.edu	University Advisement and Enrichment Center Room 281 Albuquerque, NM 87131

Many other UNM officials, such as deans, faculty sponsors of officially recognized student groups, and staff in leadership roles, are also CSAs based on their job duties. The idea behind CSAs is that not all crimes on campus are reported to the Police Department. A student, for example, who is the victim of a crime may feel more comfortable telling his or her resident advisor or athletics team coach. The Clery Act requires colleges and universities to collect crime reports from all individuals and offices who are CSAs in order to present complete and accurate data to the campus community and respond to safety issues.

The role of CSAs is to record any information of alleged Clery Act crimes that are reported to them or that they may personally witness and promptly submit that information through the online reporting form on the [CSA website](#).

Once a year when the annual Clery Act crime statistics are being compiled for publication, CSAs will receive a survey form asking whether any crimes were reported to the CSAs. The Clery Coordinator will distribute the survey form to CSAs from the Albuquerque campus and the Clery staff will distribute the survey form to CSAs not from the Albuquerque campus. CSAs must complete and return the survey form as directed.

The role of a CSA is not to investigate the allegation and decide whether a crime took place—that is the function of law enforcement. A campus CSA should not try to apprehend the alleged perpetrator of the crime. That, too, is the responsibility of law enforcement. It is also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so. A CSA's charge is to transmit information about alleged crimes to the Clery Coordinator and, if not from the Albuquerque campus, to Clery staff for appropriate follow-up. A CSA may also provide information to a victim of an alleged crime about resources available to assist him or her.

CSAs are required to complete Clery Act training during the first year they serve as CSAs. The training is coordinated by the Clery Coordinator and can be taken via an online module through Learning Central or on UNM Police Department website. The Clery Coordinator also offers in-person training classes for CSAs. In particular, the Clery Coordinator will coordinate an annual mandatory training on counting, collecting, and classifying crime statistics for designated staff from the Dean of Students Office, Health Sciences Center, Residence Life, and American Campus Communities.

Identifying CSAs will be coordinated by the Clery Coordinator and Clery staff. Because personnel and job duties change, someone who is a CSA one year may not be a CSA the following year, and vice versa. Identifying CSAs requires knowledge of the functions performed by employees in each department. Therefore, all UNM vice presidents, deans, department chairs, and other unit heads shall assist the Clery Coordinator and Clery staff in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

UNM's compliance with the Clery Act depends on the cooperation of CSAs. A CSA who fails to fulfill his or her responsibilities in that role is violating this policy and may be subject to disciplinary action.

Roles that are Exempt from CSA Designation

Pastoral counselors and professional counselors are considered exempt under the Clery Act from sharing crime reports they receive, unless there is a health and/or safety issue that legally permits sharing beyond a counselor.

Health and Counseling Center	Phone	Physical Address
Student Health and Counseling (SHAC) <i>Licensed counselors only</i>	505-277-3136	Student Health and Counseling Building 73 Albuquerque, NM 87131
Counseling, Assistance & Referral Services (CARS)	505-272-6868	1800 Mesa Vista Rd NE Albuquerque, NM 87106

Professional counselors at SHAC and CARS are not CSAs, thus crime reports made to counselors by UNM students, faculty, or staff are not disclosed by these counselors to UNMPD or the Clery Coordinator for inclusion in the ASFSR.

However, professional counselors at SHAC (when informed about crimes involving students) and CARS (when informed about crimes involving students) must inform the individual receiving counseling of the procedures for reporting crimes to law enforcement, a CSA, or CEOO. Professional counselors at SHAC are also required to inform students of voluntary confidential reporting options at designated advocacy and support sites. Similarly, professional counselors at CARS are required to inform faculty or staff of the same.

ANONYMOUS AND CONFIDENTIAL REPORTING OPTIONS

UNM urges any individual who has experienced a crime or has knowledge about a criminal incident to make an official report to UNMPD at 505-277-2241 for incidents that took place on Main Campus, or to RRPD 505-891-7226 for incidents that took place at the UNM Health Sciences Rio Rancho Campus. All members of the UNM community, to include faculty, staff, students, parents, and visitors, are also encouraged to report incidents of crime, bias/hate, sexual misconduct, stalking, domestic violence, dating violence, and discrimination to CEOO (505-277-5251) for statistical reporting and Title IX investigations.

However, UNM recognizes that some individuals may want to speak with someone anonymously about their reporting options and access to support before deciding whether to report the incident. To meet this need, UNM offers confidential reporting and support sites for students, faculty, and staff.

Staff in these centers are designated CSAs and must report the nature, date, and general location of any Clery-related incident to the Clery Coordinator in a timely manner for timely warning and statistical reporting

purposes. However, staff is not required to provide any identifying information of an individual who utilizes the services of any of the confidential resource centers and will respect the reporter's anonymous unless consent is given to disclose their identity to the Clery Coordinator.

Confidential Support and Crime Reporting Options for Students

UNM offers the following as confidential reporting and support sites for students on any of UNM's campuses who have experienced any type of crime or incident involving misconduct.

Confidential Resource Center	Phone Number and Email	Physical Address
LoboRESPECT Advocacy Center (LRAC)	Phone: 505-277-2911 Email: loborespect@unm.edu	University Advisement and Enrichment Center Room 262 Albuquerque, NM 87131
Women's Resource Center (WRC)	Phone: 505-277-3716 Email: women@unm.edu	Mesa Vista Hall 1160 Albuquerque, NM 87131
LGBTQ Resource Center	Phone: 505-277-LBGT (5428) Email: lgbtqrc@unm.edu	919 Las Lomas Rd NE Albuquerque, NM 87131
Vassar House (UNM Health Sciences Center)	Phone: 505-277-3716 Email: vassarhouse@salud.unm.edu	917 Vassar Dr NE Albuquerque, NM 87106
Learning Environment Office (LEO) (UNM Health Sciences Center)	Phone: 505-272-7867 Email: hsc-leo@salud.unm.edu	Reginald Heber Fitz Hall Rm 106 Albuquerque, NM 87106

Confidential Support and Crime Reporting Options for Faculty and Staff

UNM offers the following as confidential reporting and support sites for faculty and staff on UNM's Main Campus and UNM Health Sciences Rio Rancho Campus who have experienced any type of crime or incident involving misconduct.

Department	Phone and Email	Physical Address
Ombuds Services for Staff	Phone: 505-277-2993 Email: ombuds@unm.edu	1800 Las Lomas Rd NE Albuquerque, NM 87131
Ombuds Service For Faculty	Phone: 505-277-3212 Email: ombudsfac@unm.edu	1800 Las Lomas Rd NE Albuquerque, NM 87131
Counseling Assistance & Referral Services (CARS)	Phone: 505-272-6868 Email: cars@unm.edu (<i>No confidential information, please</i>)	1800 Mesa Vista Road NE Albuquerque, New Mexico 87106

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 staff and their supervisors or coworkers. They listen respectfully and emphasize collaboration and fair consideration of all sides of an issue.

Whether or not anonymity is requested, information someone provides at a confidential reporting site will be treated confidentially. It will only be shared on a need-to-know basis and as authorized under University policy and applicable federal and state law.

Confidential and Voluntary Online or Telephone Crime Reporting Sites

The following list contains information for sites and resources on campus where someone can make a report of a crime or other misconduct anonymously. Once information involving any Clery crime is received through these avenues, the Clery Coordinator is made aware and uses the information a reporter provides to determine whether UNM needs to include the report in its annual statistics. 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's 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 app store. Users can find more assistance for downloading this application through [UNM FastInfo](#).
- EthicsPoint [online report](#)
- EthicsPoint Compliance hotline (1-888-899-6092)

UNM'S PROCEDURES IN THE EVENT A STUDENT IS MISSING

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 any amount of time.

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.

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 and that of their emergency contacts are current and accurate and have the opportunity to update their point of contact annually.

Missing Student Notification Procedures

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, regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.
- 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.

EMERGENCY CONTROL, EVACUATION, & NOTIFICATION PROCEDURES

The University of New Mexico has an obligation to conduct its educational, business, clinical, and support activities on a regular basis and will remain open unless conditions exist that endanger the University community or impact the ability to operate. This policy describes the response of the University during such an event, which shall be referred to as an “incident.” In cases of a weather related emergency, this policy may supplement [UAP 3435 \(“Inclement Weather”\)](#).

This policy describes the responsibilities of staff, faculty, and students at University entities in Albuquerque during an incident. Although this policy is specifically designed for the Albuquerque campus, in the event of an emergency at any of the branch campuses or at the UNM Health Sciences Rio Rancho Campus, main campus Emergency Operations Center personnel are ready to provide support and technical assistance (see also Section 2.1 below).

EMERGENCY CONTROL

The University will conduct incident response in accordance with national standards, such as those established by the [National Incident Management System \(NIMS\)](#), the [National Response Framework \(NRF\)](#), and the [Incident Command System \(ICS\)](#).

Emergency Operations Plan

To minimize the adverse effects of an incident, the University has developed an Emergency Operations Plan (EOP) to serve as the framework for incident response. The EOP will be implemented when the University or its surrounding community has been subjected to an incident that exceeds, or has a negative impact on, the resources normally available.

The UNM Emergency Manager coordinates, maintains, and exercises the EOP. Any University department that identifies a need for a plan specific to its operation must work with the UNM Emergency Manager to assure that its plan is coordinated and updated with the University’s EOP.

Branch campuses and UNM Health Sciences Rio Rancho Campus shall maintain an EOP and work with the UNM Emergency Manager to coordinate and integrate their plans with the University’s EOP.

Emergency Management Committee

The UNM Emergency Management Committee (EMC) is chaired by the Senior Vice President for Finance and Administration and composed of representatives appointed by the chair from major areas of the University. The Committee reviews incidents, plans, exercises, and provides recommendations to help ensure that the University is prepared to deal with any incident.

Emergency Operations Center

Support of incident response under the [Incident Command System](#) will be centralized in an Emergency Operations Center (EOC). The primary role of an EOC is to bring together all relevant information about the incident in one place, organize that information into a useful format, and facilitate the coordination of resources needed to respond to the incident. The EOC will be located away from the areas of highest activity so as to avoid interference with their operations, yet the EOC will be close enough to provide reasonable access to current information. The EOC is equipped with redundant forms of communication, capable of twenty-four (24) hour operations, and secured from unauthorized access. Both a primary EOC and back-up location have been designated.

Activation of the EOC may occur under any of the following circumstances:

- the size of the incident requires logistical support beyond that available on-scene;
- the incident is of long duration; or
- the magnitude of the incident requires external resources or implementation of unified command.

Emergency Declaration and Immediate Response

Individuals who encounter an emergency situation should take immediate steps to protect themselves, notify nearby endangered people, and call 911 to initiate the University's emergency response systems. If the UNM Police Department determines that the situation may become an incident, it will notify the Senior Vice President for Finance and Administration (or designee). The Chief of Police and the Senior Vice President for Finance and Administration will immediately decide if an incident will be declared.

If an incident is declared, the Senior Vice President for Finance and Administration will notify the University President and the EOP will be implemented. Depending on the nature of the incident, the Police will notify the appropriate individuals listed in the EOP.

Director of EOC and Authority to Allocate Resources

The University President has designated the Senior Vice President for Finance and Administration as the EOC Director. The EOC Director is authorized to implement whatever measures are necessary to protect life and property from the effects of an incident. This includes the commitment and use of University personnel, equipment, and financial resources, and calling for assistance from other organizations, as may be required to cope with the incident. Only the University President can modify the EOC Director's emergency control orders.

Work Schedules During Emergency

The effectiveness of UNM emergency control depends upon the total support and rapid response of all personnel. The EOC Director will determine which employees play a critical role in emergency control and which employees are required to leave their worksite for safety reasons. These decisions are made on a case-by-case basis and may affect only a portion of the University. Employees not affected by the incident will remain at their normal duty stations and follow their normal work schedules.

Critical Employees

Employees designated as critical are expected to give their full support and attention to emergency control. They will be paid for hours worked, including overtime for non-exempt employees if forty (40) hours per work week is exceeded. In addition, to acknowledge their dedication and support both exempt and non-exempt employees will be granted additional compensatory time off, at the straight-time rate, for actual hours worked during the incident. Compensatory time taken in such cases is not considered time worked for overtime compensation purposes. If, due to the nature of the incident, compensatory time cannot be taken in accordance with the time limits listed in Section 2.3 of [UAP 3310 \("Compensatory Time"\)](#), an extension may be approved by the cognizant dean, director, or department head.

Non-critical Employees Required to Leave the Work Site

Employees required to leave their worksite for safety reasons will report their time off as paid administrative leave. This time is not considered time worked for overtime compensation purposes. Employees on previously approved sick or annual leave or on a shift assignment or working in an area not affected by the incident are not eligible for the paid administrative leave.

Final Exam Week

If emergency control is enacted during final exam week resulting in the cancellation of an exam, instructors may elect one of the following options:

- Assign as final grades the current grades that students have going into final exam week.
- Make provisions for students whose exams are canceled to contact them for the re-scheduling of a make-up exam or alternative arrangements.
- As a last resort, choose to assign incomplete grades.

EVACUATION PROCEDURES

Before an emergency occurs:

- Learn the locations of:
 - Fire alarm pull stations and/or fire extinguishers.
 - Areas of refuge (specified areas designed to withstand the passage of smoke or fire for a required time)
 - Areas of rescue (specified areas where mobility impaired individuals can await rescue from emergency responders)
- Learn evacuation routes from different areas of the building.
- Develop a plan and specify a location where all occupants can meet away from the building to help ensure everyone is accounted for.

If an evacuation is ordered:

- Stop what you are doing and immediately proceed to the nearest exit.
- Use stairs to evacuate above and below ground level.
- Close doors behind you as you leave. If there is a fire or chemical release, this will help contain it within the enclosed area.
- Provide assistance to customers, clients, patients or others who may need it.
- Proceed as quickly as possible to the designated evacuation location for your building or department. UNM recommends that this be at least 100-150 feet away from the evacuated building.
- Do not return or re-enter the building until you are given official authorization to do so.

ANNUAL EMERGENCY RESPONSE SYSTEMS TESTING

Testing of the Emergency Notifications (Alerts) process occurs periodically, as follows:

- 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 emergency situations.
- 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 understand their effectiveness and evaluate the goals of each test.
- The UNM siren system, email, text, social media, and UNM webpages will be tested once every semester to test functionality. UNM's Emergency Management team advertises these exercises in advance. Now is a good opportunity to log into the Lobo Alerts System using your UNM NetID and password to verify your contact information and preferences.

If the siren sounds and there was no notice that there would be a test (beginning of the semester, Tuesday, 11:02 am), consider it REAL. Heed the warning and do as instructed.

There are certain circumstances where it is safer to be inside rather than outside. If the "Shelter in Place" order is given and/or the campus warning siren sounds:

- Immediately get inside the nearest building and proceed to an interior room or hallway.
- Stay away from glass doors and windows.
- Monitor text message alerts, UNM email, or the UNM webpage for further information and updates.
- Stay calm and stay put unless there is an immediate need to leave (that is, there is a visible fire, or you find yourself in a life-threatening situation).
- Precisely follow all instructions from law enforcement or emergency response personnel.

Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year

The Emergency Manager maintains documentation for each test along with a description of the exercise, the date, time, and whether it was announced or unannounced.

EMERGENCY MANAGEMENT AT UNM HEALTH SCIENCES RIO RANCHO CAMPUS

UNM's Office of Emergency Management (OEM) is responsible for assisting with and coordinating the University's overarching mitigation, preparedness, response, and recovery programs. To meet this obligation, OEM assists departments and campuses—to include the Health Sciences Rio Rancho Campus—with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard and risk education, and building partnerships with external response agencies.

Each campus within the UNM system maintains an emergency management program. Within the context of these programs, each campus develops, maintains, and distributes emergency response procedures to students and employees. Each campus maintains and distributes these procedures in using their own protocols. Some campuses post the information in hallways and classrooms, while others have this information available on their websites.

In addition to posting emergency response information for Main Campus on its website, pamphlets and brochures with the same information are available at UNMPD and Rio Rancho's Security office.

NOTIFICATIONS (EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS)

In the event of a substantiated serious safety concern, either on campus property or in the near vicinity of the campus, UNM makes numerous and diligent efforts to advise members of the campus community as well as the

larger community. The University takes its duty seriously and makes diligent efforts to advise members of the campus community of threatening situations and how they can best protect themselves from harm.

UNM's Clery Act Compliance policy requires that the institution:

- Issue Emergency Notifications for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the applicable UNM campus.
- Issue Timely Warnings to alert the campuses of Clery Act crimes that occur in Clery geography and pose a serious or continuing threat to the applicable campus community. Timely Warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow members of the campus community to protect themselves and prevent similar crimes from occurring.

Types of Situations of Situations that May Prompt a Notification

UNMPD and the Clery Coordinator may decide to issue an Alert or Advisory for the following types of incidents or situations:

- Emergency situations that are life threatening. Examples include, but are not limited to:
 - Persons with weapons with intent to use
 - Threat of violent crime
 - Situations where the identity of a suspect(s) is not known
 - Assault (physical or sexual)
 - Approaching extreme weather
 - Armed intruder
 - Bomb threat
- Any act or immediate threat of interpersonal violence. Examples include, but are not limited to:
 - Domestic or relationship situations
 - Hate crimes
 - Consistent pattern of violent behavior
- Serious acts or threats to campus-owned or personal property
- Situations where serious injury may or have occurred. Examples include, but are not limited to:
 - Building collapse
 - Fire
 - Hazardous material spill

- Situations that cause major disruption to campus operations. Examples include, but are not limited to:
 - Transformer fire
 - Weather-related situation
 - Power outages
 - Water emergencies
 - Serious health-related outbreak
 - Riot
 - Terrorist incident

- Clery Act crimes which represent a serious or continuing threat to the person and or property of students and employees. Examples include but are not limited to:
 - Homicide
 - Sex Offense
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor vehicle theft
 - Arson
 - Hate crimes

Emergency Notification (Alert)

Under the Clery Act, an Emergency Notification (Alert) notifies the UNM Main and UNM West campus community of any significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. Emergencies should be reported to the UNM Police Department by calling 911.

Timely Warning (Advisory)

When a Clery Act crime is committed within the University's Clery Geography (to include the UNM Health Sciences Rio Rancho Campus) and the situation poses a serious or continuing threat, the UNM Police Department will issue a Timely Warning (Advisory) that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar crimes on the UNM Main Campus or UNM Health Sciences Rio Rancho Campus. A 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 that will promote safety and aid in the prevention of similar crimes. Additional updates may be issued as the situation evolves.

Institutional Response to a Report of an Emergency or Serious or Ongoing Crime

When a member of UNMPD becomes aware that one of the above listed offenses or incidents has occurred, they shall notify the Patrol Lieutenant. The Patrol Lieutenant will review the circumstances of the incident with the Operations Commander, request approval for the Lobo Alert or Advisory if they determine one is needed, and complete the Advisory and Alert Assessment Form.

UNMPD will forward Advisory and Alert Assessment Forms to the Clery Coordinator within 48 hours of issuance. The Clery Coordinator is responsible for maintaining all supporting documentation for Timely Warnings.

The decision to issue a Lobo Alert or Advisory is made in coordination and consultation by the Chief of Police or designee, UNM Emergency Manager, and the Clery Coordinator. In an extreme emergency, the notification process will be implemented at the sole direction of the Chief of Police or designee.

UNMPD, in collaboration with the Clery Coordinator, will without delay take into account the safety of the campus community, determine what information to release about the situation, and begin the notification process. At times, UNMPD may decide not to issue a notification. The reason for not informing the public of a confirmed emergency or dangerous situation would be if, in their professional judgment, they determine that doing so could potentially compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

If the decision is not to issue a Lobo Alert or Advisory, the reason in support of the decision must be articulated on the Advisory and Alert Assessment Form by the Patrol Lieutenant and approved by the Chief of Police or designee.

Once the decision is made to issue a Lobo Alert or Advisory, the Emergency Manager for the University or executive staff will be responsible for the content of the message and issuing the lobo alert or advisory.

UNM branch campuses also have designated officials to activate their Emergency Notifications and Timely Warnings in accordance with their own campus protocols. UNMPD can provide assistance with the Lobo Alert and Advisory System as needed.

Making the Decision to Issue an Alert or Advisory

When UNMPD learns of emergency situations and Clery crimes, it will consider whether to issue an Emergency Notification (Lobo Alert) or Timely Warning (Lobo Advisory) about the threat. A Lobo Alert or Advisory may be issued if, in the judgment of the Chief of Police or designee and the Clery Coordinator, a crime or potential crime constitutes a serious or continuing threat to the campus community. The decision of whether to issue a Lobo Alert or Advisory and the content of the warning

is decided on a case-by-case basis considering all the facts, including the nature of the crime, the continuing danger to the campus community, the promotion of safety, and the possible risk of compromising law enforcement efforts.

A decision as to whether to issue an **Emergency Notification (Alert)** and which segment(s) of the UNM community should receive the notice will be 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, and
- The nature of the threat, whether it is a general or specified threat.

Some examples of incidents that might warrant an Emergency Notification (Alert) include:

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

To justify the decision to issue a **Timely Warning (Advisory)**, an incident must:

- Involve a Clery Act crime;
- Occur within the Clery Geography, which includes:
 - On-campus (buildings on the Albuquerque Campus);
 - Non-campus (buildings not reasonably contiguous to the Albuquerque Campus, but which are leased or owned by the University of New Mexico); and
 - Public property (public property that is immediately adjacent to the Albuquerque Campus);
- Be reported to a Campus Security Authority (CSA) or local police authority (UNM is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor, who are exempt from CSA designation.); and
- Represent a serious or continuing threat to the students and employees on campus.

Some examples of incidents that might warrant a Timely Warning (Advisory) include:

- A rash of burglaries on campus
- A sexual assault occurred on campus and the offender has not been identified

- UNMPD becomes aware of a drug trafficking operation on campus
- An armed robbery occurred on a sidewalk adjacent to campus

A Timely Warning (Advisory) might not be issued if it could compromise the apprehension of a suspect, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

Notification Contents

The Alert of Advisory will contain the following information:

- A description of the incident including location, date, and time
- A physical description of the suspect, where appropriate
- A photograph or composite sketch if either is available and information in it is specific
- Any apparent connection to a previous incident(s), if applicable
- Information that will promote safety and potentially aid in the prevention of similar crimes (e.g., crime prevention or safety tips)
- UNMPD's contact information
- Other information deemed appropriate by the Chief of Police or designee

Notification Delivery Methods

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

- UNM email: To issue Emergency Notifications (Alerts) and Timely Warnings (Advisories)
- UNM website: To issue Emergency Notifications (Alerts) and Timely Warnings (Advisories)
- UNM siren system (strategically placed warning sirens): To warn the campus community of a current or impending emergency. Upon hearing a siren outside of scheduled testing events, individuals should shelter in place inside a building and look for further information through Lobo Alerts, UNM email, or the UNM website.
- UNM social media accounts
- Really Simple Syndication (RSS) feeds
- Text messages: To issue Emergency Notifications (Alerts) and Timely Warnings (Advisories). UNM automatically enrolls all faculty, staff, and students who provide a mobile phone number during registration or upon hire into receiving Lobo Alert text messages. In the event an employee or student does not provide a mobile phone number on their application or later changes their mobile phone number, they may continue to receive Lobo Alert text messages by updating their information at the Lobo Alerts website. UNM Community members can also sign up for Lobo Alerts through the UNM Guardian app website. In addition to generating text

message notifications, the app also has the ability to serve as a panic button, a safety timer, and an anonymous tip reporting line.

UNMPD provides any pertinent follow-up information about incidents for which it issues an Emergency Notification (Alert) or Timely Warning (Advisory) by UNM email, UNM social media, the UNM website, and Lobo Alert text messages for the campus community. Follow-up information is also available on UNM's [Campus Safety webpage](#) and UNM social media pages for both the campus community as well as the larger community.

POLICIES, LAWS & RESOURCES PERTAINING TO ILLEGAL DRUGS, ALCOHOL & WEAPONS ON CAMPUS

The [Drug-Free Schools and Communities Act Amendments of 1989](#) requires institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. This includes, at minimum, the following:

1. Creating and maintaining 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;
2. Distributing this policy to all students, faculty, and staff annually. 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, provided:
 - 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;
3. Adopting and implementing an alcohol and other drug prevention program; and
4. Conducting a biennial report review of the program's effectiveness, implementing changes as needed, and ensuring that the disciplinary sanctions are consistently enforced.

UNM's Campus Office of Substance Abuse Prevention conducts the University's Biennial Review of Drug Prevention Efforts. UNM's August 1, 2020 – July 31, 2022 Biennial Review of Drug Prevention Efforts is available through [COSAP](#).

UNM'S POLICY ON ILLEGAL DRUGS AND ALCOHOL

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of the commitment of The University of New Mexico 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 well-being of other employees, students and members of the general public; and conflicts with the responsibility of The University of New Mexico to foster a healthy atmosphere for the pursuit of education, research and service.

This policy covers all property owned, used, leased or controlled by the University of New Mexico, 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.

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 University of New Mexico community--faculty, staff or student--is strictly prohibited.

As a condition of employment, all employees—faculty and staff—of the University of New Mexico shall abide by the terms of this policy. Violation of this policy shall result in disciplinary action, up to and including dismissal. For more detailed information, faculty should refer to the Faculty Handbook and/or contact the Faculty Grants and Contracts Office. Staff may refer to the University Business Policies and Procedures Manual and/or contact the Human Resources Department.

As a condition of continued registration and enrollment, any student of The University of New Mexico shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion. For more detailed information, students should refer to the Student Code of Conduct and related policies printed in the UNM Pathfinder 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, The University of New Mexico 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 of New Mexico shall play no role in enforcing or instituting possible disciplinary action.

LEGAL SANCTIONS FOR THE UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL

The penalties for even the most minor of violations of the Liquor Control Act can include fines starting at \$500, confiscation of property, and imprisonment for up to eighteen months. More serious violations carry greater penalties, with larger fines and longer imprisonment.

Driving or using machinery after drinking or using drugs creates the risk that the user may injure or kill someone. This can result in homicide charges. License revocation and vehicle impoundment are also possible results of driving while under the influence of liquor or drugs. 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 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 detail federal and state sanctions for the unlawful possession or distribution of illicit drugs.

Federal Drug Laws

Drug/Schedule	Quantity
Cocaine (Schedule II)	500 - 4999 gms mixture
Cocaine Base (Schedule II)	5 - 49 gms mixture
Fentanyl (Schedule II)	40 - 399 gms mixture
Fentanyl Analogue (Schedule I)	0 - 99 gms mixture
Heroin (Schedule I)	100 - 999 gms mixture
LSD (Schedule I)	1- 9 gms mixture
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture
PCP (Schedule II)	10-99 gms pure or 100 - 999 gms mixture

Penalties:

First offense: Not less than five years, and not more than 40 years. 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.

Second offense: 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.

Drug/Schedule	Quantity
Cocaine (Schedule II)	5 kgs or more mixture
Cocaine Base (Schedule II)	50 gms or more mixture
Fentanyl (Schedule II)	400 gms or more mixture
Fentanyl Analogue (Schedule I)	100 gms or more mixture
Heroin (Schedule I)	1 kg or more mixture
LSD (Schedule I)	10 gms or more mixture
Methamphetamine (Schedule II)	50 gms or more pure, or 500 gms or more mixture
PCP (Schedule II)	100 gm or more pure, or 1 kg or more mixture

Penalties:

First offense: Not less than 10 years, and 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.

Second offense: Not less than 20 years, and 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.

Two or more prior offenses: Life in prison.

Drug/Schedule	Quantity
Other Schedule I & II Drugs (& any product containing Gamma Hydroxybutyric Acid)	Any amount
Flunitrazepam (Schedule IV)	1 gm or more

Penalties:

First offense: Not more than 20 years. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.

Second offense: Not more than 30 years. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual.

Drug/Schedule	Quantity
Other Schedule III drugs	Any amount
Flunitrazepam (Schedule IV)	30 - 999 mgs

Penalties:

First offense: Not more than five years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Second offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

Drug/Schedule	Quantity
All other Schedule IV drugs	Any amount
Flunitrazepam (Rohypnol) (Schedule IV)	Less than 30 mgs

Penalties:

First offense: Not more than three years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Second offense: Not more than six years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

Drug/Schedule	Quantity
All schedule V drugs	Any amount

Penalties:

First offense: Not more than one year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.

Second offense: Not more than two years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

State of New Mexico Drug Laws

Drug	Conditions/Quantity	Penalties: Prison and Fines
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	More than two and up to eight ounces More than eight ounces	≤ 1 yr. ≤ \$1,000 (Misdemeanor) ≤ 1.5 yrs. ≤ \$5,000 (4th degree Felony)
Marijuana - Distribution	1st Offense (≤ 100 lbs.) Subsequent Offenses (≤ 100 lbs.) 1st Offense (> 100 lbs.) Subsequent Offenses (> 100 lbs.)	≤ 1.5 yrs. ≤ \$5,000 (4th degree Felony) ≤ 3 yrs. ≤ \$5,000 (3rd degree Felony) ≤ 3 yrs. ≤ \$5,000 (3rd degree Felony) ≤ 9 yrs. ≤ \$10,000 (2nd degree Felony)
Marijuana - Distribution to a Minor (someone under the age of 18) by Someone Over the Age of 18	1st Offense Subsequent Offenses	≤ 3 yrs. ≤ \$5,000 (3rd degree Felony) ≤ 9 yrs. ≤ \$10,000 (2nd degree Felony)

HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND THE ABUSE OF ALCOHOL

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 dating 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 about the possible effects and health risks associated with the use of illicit drugs and alcohol, contact the Student Health Center Health Education Program (277-7947) or the UNM Campus Office of Substance Abuse Prevention (277-2795). The following chart (figure 3) lists the possible effects and health risks associated with the use of illicit drugs and controlled substances.

CAMPUS RESOURCES FOR ADDRESSING SUBSTANCE ABUSE

All members of the UNM community can play an invaluable role in helping themselves or others who are in distress. If you are concerned about the alcohol or other drug use of yourself or another, please contact one of the resources below. Confidential consultants, individual assessments and education are available.

Campus Resources for Faculty and Staff Experiencing Substance Abuse or Addiction

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, but rather to provide services for those who choose to request help with their problems. Your 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 teambuilding.

Resource Center	Phone	Physical Address
Counseling, Assistance & Referral Services (CARS)	505-272-6868	1800 Mesa Vista Rd NE Albuquerque, NM 87106
Human Resources	505-277-6947	1700 Lomas Blvd NE Albuquerque, NM 87131

Campus Resources for Students Experiencing Substance Abuse or Addiction

In addition to utilizing the resources below, anyone individual can also refer a student of concern to the [UNM Campus Assessment Response Education \(CARE\) Team](#). With representatives from the [Dean of Students Office](#), [Student Health and Counseling](#), [Accessibility Resource Center](#), [UNMPD](#), and other departments, the CARE Team helps address potentially difficult situations and provides students with tailored ideas and resources to alleviate their distress or disruptive behavior.

Health and Counseling Center	Phone and/or Email	Physical Address
Student Health and Counseling (SHAC)	505-277-3136	Student Health and Counseling Building 73 Albuquerque, NM 87131
Campus Office of Substance Abuse Prevention (COSAP)	Phone: 505-277-4108 Email: cosap@unm.edu	Mesa Vista Hall, 3 rd Floor Room 3057 Albuquerque, NM 87131

Other Campus and Community Resources

Campus/Community Resource	Phone and/or Email	Physical Address
AGORA Crisis Center	Phone: 505-277-3013 Email: agora@unm.edu	1820 Sigma Chi NE Albuquerque, NM 87131
Bernalillo County Health Council , a New Mexico Prevention service provider	Phone: 505-246-1638 Email: bchealthcouncil@gmail.com	220 Adams St SE, Suite A Albuquerque, NM 87108
Suicide & Crisis Lifeline (new)	Phone: 988	N/A
UNM Hospital Emergency Room	Phone: 505-272-2411	2211 Lomas Blvd NE Albuquerque, NM 87106
UNM Center on Alcohol, Substance Abuse & Addictions (CASAA)	Phone: 505-925-2300	2650 Yale Blvd SE Albuquerque, NM 87106
UNM Department of Psychology Clinic	Phone: 505-277-5164 Email: psych@unm.edu	1820 Sigma Chi NE Albuquerque, NM 87131

UNM Employee Wellness	Phone: 505-277-6947 Email: hrbenefits@unm.edu	1700 Lomas Blvd NE Albuquerque, NM 87131
UNM Center for Occupational Environmental Health Promotion	Phone: 505-272-2321 Email: unmsominfo@salud.unm.edu	915 Camino de Salud NE Albuquerque, NM 87106
Women's Resource Center (WRC)	Phone: 505-277-3716 Email: women@unm.edu	Mesa Vista Hall 1160 Albuquerque, NM 87131
UNM Adult Psychiatric Center	Emergency Services Phone: 505-272-2920 Psychiatric Urgent Care Phone: 505-272-9038 UNM Health Sciences Rio Rancho Campus Phone: 505-994-5000	Psychiatric Emergency or Urgent Care 2600 Marble Ave NE Albuquerque, NM 87106 Behavioral Health Clinic 2600 College Blvd NE Rio Rancho, NM 87144

UNM'S 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.

Items that UNM does allow on UNM Main Campus for self-defense purposes include:

- Pepper spray in a container no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than 10%
- Stun guns with a maximum amperage of 5 milliamps

The [UNM Weapons Policy](#) is provided in its entirety in the [UNM Pathfinder online](#). A print version of the UNM Pathfinder is available in the [Dean of Students Office](#).



CRIMES THAT INVOLVE SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE & STALKING

UNM'S POLICIES ON SEXUAL VIOLENCE AND MISCONDUCT

Administrative Policy 2740: Sexual Harassment Including Sexual Assault

The University of New Mexico prohibits discrimination on the basis of sex (including gender, sex stereotyping, gender expression, and gender identity). Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination. Sex discrimination is a violation of Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the New Mexico Human Rights Act, NMSA 1978, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14; the Student Code of Conduct; Regents' Policy 2.5; the Faculty Handbook; the Visitor Code of Conduct; and this [Administrative Policy 2740](#).

UNM is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, UNM has developed policies and procedures that provide a fair, prompt, and impartial process for those involved in allegations of harassment or discrimination on the basis of protected class status. UNM values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in what is often a difficult time for all involved.

For the purposes of this policy, sexual harassment, dating violence, domestic violence, and stalking are collectively referred to as "sexual harassment." Sexual harassment subverts the mission of the University and threatens the careers of students and employees.

As more fully described in Section 8, this policy applies to allegations of sexual harassment made by or against a student, staff, or faculty member that occur within the course of a UNM program or activity or have continuing adverse effects on campus. If the circumstances giving rise to the allegations are related to UNM's educational programs or activities, this policy may apply regardless of the affiliation of the parties to the University. The University is committed to responding promptly and fairly to every allegation of sexual misconduct. This policy addresses conduct that may be covered by Title IX, Title VII, the Faculty Handbook, University Administrative Policies and the Student Code of Conduct. Allegations may be covered by one or more of the aforementioned laws/policies.

Sexual harassment may be committed by anyone, including a stranger, an acquaintance, a friend, or someone with whom the reporting party (Complainant) is involved in an intimate or sexual relationship. Individuals who have experienced sexual misconduct are encouraged to report what happened to law enforcement and to seek assistance from any of the campus resource offices or community resources referenced in Section 2 of this policy. A report of sexual harassment will be taken seriously and addressed in accordance with UNM policies and procedures.

Administrative Policy 2720: Prohibited Discrimination and Equal Opportunity

The University of New Mexico is committed to providing a safe and inclusive environment that draws on the diversity of its members. The University prohibits discrimination, harassment, or related retaliation based on protected class (as defined in Section 2) in any educational and work environment. It is critical to this commitment that anyone who experiences, witnesses, or is aware of such discrimination, harassment, or retaliation report the behavior pursuant to this [Administrative Policy 2720](#).

Prohibited Discrimination

This policy applies to the programs and activities of UNM, to conduct that takes place on the campus or on property owned and controlled by UNM, a UNM sponsored events, or in buildings owned or controlled by UNM or UNM's recognized student organizations.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to UNM work or educational programs including cyber harassment.

Regardless of where the conduct occurred, UNM will address complaints filed pursuant to this policy to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial UNM interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of UNM.
- All vendors serving UNM through third-party contracts are subject to the policies and procedures of their employers (or to these policies and procedures to which
- Any member of the University community or visitors whose acts deny, deprive, or limit the educational or employment [or residential and/or social] access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of this policy.

Student of Code of Conduct

1. The University may take disciplinary action for an offense against the [Code of Conduct](#) when the offense occurs on University premises or at University-sponsored events, or when an offense which occurs off campus is such that in the judgment of the Dean of Students, failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety or welfare of the University community.

The term "student" includes both full-time and part-time students pursuing undergraduate, graduate or professional studies.

2. Appropriate disciplinary procedures and sanctions shall be applied to any student who commits, or attempts to commit, any of the following acts of misconduct:

2.1 Actions which have great potential for physically harming the person or property of others, including that of the University, or which actually result in physical harm, or which cause reasonable apprehension of physical harm.

2.2 Any type of sexual assault including rape.

2.3 Making false representations to the University, including forgery and unauthorized alteration of documents; unauthorized use of any University document or instrument of identification.

2.4 Academic dishonesty, including, but not limited to, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or without the University; and nondisclosure or misrepresentation in filling out applications or other University records.

2.5. Substantially interfering with the freedom of expression, movement or activity of others.

2.6. Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency. Misusing or damaging fire safety equipment on University premises.

2.7. Theft of property or of services. Possession of property that is known to be stolen.

2.8. Failure to comply with the lawful directions of University officials, including campus police officers and other law enforcement officials, acting in performance of their duties.

2.9. Willfully refusing or failing to leave the property of or any building or other facility owned, operated, or controlled by the University when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would

disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University.

2.10. Unauthorized presence in or use of University premises, facilities or property, in violation of posted signs, when closed, or after normal operating hours.

2.11. Illegal use, possession, or distribution of any controlled substance, illegal drug or alcohol.

2.12. Use or possession of fireworks on University premises or at University-sponsored events, unless expressly authorized in writing by the President.

2.13. Use, possession or storage of any weapon on University premises or at University-sponsored activities, unless expressly authorized in writing by the President. Weapon includes, but is not limited to, firearms, ammunition, bombs, explosives, incendiary devices, or other dangerous weapons, substances or materials.

2.14. Misusing University computing resources by intentionally making or receiving, accessing, altering, using, providing or in any way tampering with files, disks, programs, passwords or hardware belonging to other computer users without their permission.

2.15. Violation of published or posted University regulations or policies.

2.16. Aid to others in committing or inciting others to commit any act mentioned above.

2.17. Action(s) or conduct which hinders, obstructs or otherwise interferes with the implementation or enforcement of the Code of Conduct including failure to appear before any of the University's disciplinary authorities and to testify as a witness when reasonably notified to do so by an appropriate University officer.

2.18. Any other acts or omissions which affect adversely University functions or University-sponsored activities, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or otherwise affect adversely the processes of the University.

2.19. Violating the terms of any disciplinary sanction imposed in accordance with this Code.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING DEFINED

Any of the following four offenses meeting the Violence Against Women Act (VAWA)'s definition is considered a crime for the purposes of Clery reporting. They include **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**.

The four VAWA crimes may also constitute a criminal offense under the state laws of New Mexico. The table below provides:

- **VAWA definitions** (left-hand column) used to disclose Clery crime statistics in the ASFSR and
- **New Mexico state law definitions** (right-hand column) used in the event a victim chooses to pursue criminal prosecution outside of the University’s disciplinary process.

<p>Violence Against Women Act (VAWA) Definition</p> <p><i>Any of the following four offenses meeting the Violence Against Women Act (VAWA)’s definition is considered a crime for the purposes of Clery reporting.</i></p>	<p>New Mexico State Statute Definition</p> <p><i>Any of the following four offenses meeting New Mexico’s definition is considered a crime and is punishable under state law.</i></p>
<p>Sexual Assault</p> <p>An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”</p> <ul style="list-style-type: none"> • <i>Rape:</i> The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. • <i>Fondling:</i> The touching of the private 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 age or because of his/her temporary or permanent mental incapacity. • <i>Incest:</i> 	<p>Sexual Assault</p> <p>Sexual violence in the State of New Mexico 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.</p> <ul style="list-style-type: none"> • <i>Rape/Sexual Assault:</i> Non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object. • <i>Non-Consensual Oral Sex:</i> Non-consensual contact between one person’s mouth and the genitals or anus of another person. • <i>Sexual Contact/Battery:</i> 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. • <i>Sexual Coercion:</i> The act of using pressure, alcohol or drugs, or force to have <i>sexual</i> contact with someone

<p>Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</p> <ul style="list-style-type: none"> • <i>Statutory Rape:</i> Sexual intercourse with a person who is under the statutory age of consent. 	<p>against the individual's will and includes persistent attempts to have <i>sexual</i> contact with someone who has already refused.</p>
<p>Domestic Violence</p> <p>Felony or misdemeanor crime of violence committed—</p> <ul style="list-style-type: none"> • By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; • By 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; or • By 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. 	<p>Domestic Violence</p> <p>Under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act.</p> <p>New Mexico defines <i>domestic abuse</i> as an incident by a household member against another household member consisting of or resulting in:</p> <ul style="list-style-type: none"> • physical harm; • severe emotional distress; • bodily injury or assault; • a threat causing imminent fear of bodily injury by any household member; • criminal trespass; • criminal damage to property; • repeatedly driving by a residence or work place; • telephone harassment; • harassment; or • harm or threatened harm to children. <p>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.</p> <p>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</p>

	<p>experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.</p> <p>A person can be charged with a variety of criminal charges resulting from domestic violence.</p> <p>An order of protection, also known as a restraining order, can be filed by a victim of domestic violence, stalking or sexual assault (rape).</p>
<p>Dating Violence</p> <p>Any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim</p> <ul style="list-style-type: none"> The existence of such a relationship shall be 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. <p>For the purposes of this definition,</p> <ul style="list-style-type: none"> 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. 	<p>Dating Violence</p> <p>Under the 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.</p> <p>Any of the felony and misdemeanor crimes enumerated as domestic abuse in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.</p>
<p>Stalking</p> <p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—</p> <ul style="list-style-type: none"> Fear for the person’s safety or the safety of others; or Suffer substantial emotional distress. 	<p>Stalking</p> <p>Under New Mexico state law, Stalking consists of 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,</p>

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts 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.

confinement or restraint of the individual or another individual.

A "pattern of conduct" is two or more acts that happen on more than one occasion.

[\(NMSA 1978 Section 30-3A-3\)](#)

Stalking is more than someone following you, calling or texting you, annoying you, or bothering you.

Stalking is two or more incidents, on at least two different dates, that made you afraid of being hurt, killed or held against your will.

Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth-degree felony.

In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person's own expense or a domestic violence offender treatment or intervention program.

Any victim of sexual assault or stalking can file for an Order of Protection, regardless of the relationship with the other person. For example, if you know the person who sexually assaulted you or who is stalking you (neighbor, classmate, co-worker or friend) but you have never had anything more than a casual relationship, the law in New Mexico allows you to file for an Order of Protection against this person.

Aggravated Stalking

Aggravated Stalking consists of stalking perpetrated by a person:

- who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such

	<p>orders may constitute a defense to aggravated stalking;</p> <ul style="list-style-type: none"> • in violation of a court order setting conditions of release and bond; • when the person is in possession of a deadly weapon; or • when the victim is less than sixteen years of age. <p><i>Harassment</i></p> <p>New Mexico defines <i>Harassment</i> as knowingly pursuing a pattern of conduct that is intended to: annoy, seriously alarm, or terrorize another person and that serves no lawful purpose.</p> <p>The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.</p>
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WHAT IS “CONSENT”?

The State of New Mexico does not specifically define “consent.” However, UNM’s definition of consent as it relates to sexual activity can be found in [Administrative Policy 2740](#).

CEEO and specifically UNMPD, the Title IX Coordinator, and the Clery Coordinator, applies UNM’s definition of consent to investigative processes regarding any violation of policy or law that involves an incident of alleged sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct or harassment.

UNM defines consent as **an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity**. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication 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 their willingness to continue at each progression of the sexual interaction. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on UNM to determine if its policy has been violated.

Sexual activity will be considered to have occurred “without consent” if no clear act or statement is given. Consent may not be inferred from silence, passivity, or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from their partner. Being intoxicated or under the influence of other drugs does not diminish one’s responsibility to obtain consent.

Incapacitation and Consent

The use of alcohol or drugs can limit or prevent a person’s ability to freely and clearly give consent. If a person is under the influence of alcohol or drugs such that they are unable to give meaningful consent or understand the fact, nature or extent of the sexual situation, there is no consent. Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. OEO examines the record for other behavior like stumbling or otherwise exhibiting loss of equilibrium; slurred speech or word confusion; bloodshot, glassy or unfocused eyes; vomiting, especially repeatedly; being disoriented or confused as to time or place; or loss of consciousness, when determining whether meaningful consent to sexual activity was or could have been given. Should the preponderance of the evidence in the record demonstrate that one or more such behaviors were objectively apparent at the time the alleged unconsented-to or unwelcomed sexual activity occurred, that evidence may demonstrate that the Respondent knew or should have known that the Complainant was incapable of giving meaningful consent to sexual activity due to intoxication. If the person initiating the sexual activity is also under the influence of alcohol or drugs, that does not diminish their responsibility to obtain consent, and is not a defense to charges of violation of this policy. Because it may be difficult to discern whether a sexual partner is incapacitated, it is better to err on the side of caution and assume that your partner is incapacitated and unable to give consent to the sexual activity.

In addition to alcohol or drugs, if a person’s mental, physical, or psychological disability (temporary or permanent) or age impairs their ability to make an informed decision to willingly engage in sexual activity, there is no consent. Examples include but are not limited to: when an individual is incapacitated, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, threatened, isolated, or confined.

It is a defense to violation of this policy if the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent.

PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING HAS OCCURRED

The [LoboRESPECT Advocacy Center](#) and the UNM Sexual Misconduct and Assault Response Team (SMART) can assist students and employees following an incident of sexual assault, domestic violence, dating violence, or stalking and provide them with the following information in writing. The LoboRESPECT Advocacy Center will assist students through these processes, should they want assistance.

The following are some first steps to consider following an incident of sexual assault, domestic violence, dating violence, or stalking.

- Get to a safe place.
- 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.
- Preserve evidence of an assault, even if you are unsure whether you want to report the crime.
 - Avoid showering or wash clothing.
 - Urinate as soon as possible into a container and keep it with you. Forensic examiners might test it at a later date for illicit substances, such as Rohypnol (“roofies”).
 - 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.
- 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 Campus Advocate. For help 24 hours a day, contact the LoboRESPECT Advocacy Center at 505-277-2911.
- Go to a nearby hospital or medical center for medical attention (medical services are offered upon conclusion of a forensic exam).
 - The [Albuquerque Sexual Assault Nurse Examiner \(SANE\) Collaborative](#) is a program that provides services for victims of sexual assault, domestic violence, dating violence, and stalking. Nurses are specially trained to offer support and treatment sexually transmitted infection, evidence collection, emergency contraception, forensic photography, and follow-up services in a confidential, comforting, and safe setting.

[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.*

SANE is located off campus at:

625 Silver Ave SW
2nd Floor
Albuquerque, NM 87102
[Map](#)

505-884-SANE (7263)
(24-hr dispatch)
Email: info@abqsane.org

REPORTING CRIMES INVOLVING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

UNM strongly encourages all members of the community (faculty, staff, students, and visitors) to immediately report sexual misconduct to law enforcement. However, UNM also recognizes that survivors have a choice to make such a report and have the right to decline police notification or involvement.

Whether or not anonymity is requested, public records maintained about sexual violence and misconduct do not include personally identifying information about the victim of any sex crime. If information needs to be shared, it is be on a need-to-know basis and as authorized under University Administrative Policy and applicable federal and state law.

Criminal Reporting Options

Should you wish to pursue the incident criminally, contact UNMPD at 505-277-2241 or make a report at the station, located on the west end of Hokona Hall (2500 Campus Blvd). If you or someone else is experiencing an emergency, dial 911. Police reports can be made anonymously.

Confidential Reporting and Advocacy Options

If you are unsure how you want to proceed, the following resource centers can help while keeping your information private.

- LoboRESPECT Advocacy Center: 505-277-2911 (assists all UNM Students, available 24/7)
- LGBTQ Resource Center: 505-277-5428 (assists all UNM Students)
- Women's Resource Center (WRC): 505-277-3716 (assists all UNM students, regardless of gender)
- Vassar House: 505-277- 3716 (assists North Campus students)
- Learning Environment Office: 505-272-7867 (assists HSC students)
- UNM Ombuds for Staff Services: 505-277-2993 (assists all UNM faculty and staff)

Administrative/Disciplinary Reporting Options

Should you wish to pursue an administrative or disciplinary complaint, contact the Office of Compliance, Ethics & Equal Opportunity (CEEEO) at 505-277-5251, by e-mail at oeounm@unm.edu, or by making a report in person at 609 Buena Vista Dr NE.

Per University Policies 2720 and 2740, all UNM employees are considered responsible employees, except for those designated as Confidential Sites. Responsible employees must report all instances of sexual misconduct to the Title IX Coordinator within 24 hours of having knowledge of the incident.

CEEEO only investigates incidents. It does not determine whether the conduct occurred, and it does not issue disciplinary sanctions. You may also decline to notify CEEEO.

Counseling and Medical Reporting Options

For medical assistance, counseling, and examinations, the following resources are available.

- Sexual Assault Nurse Examiner (SANE): 505-884-7263 (medical exams for cases of sexual violence for the entire UNM community)
- Counseling and Referral Services (CARS) 505-272-6868 (counseling for faculty and staff)
- Student Health and Counseling (SHAC): 505-277-3136 (counseling for students)

Reports of Sexual Violence and Misconduct at the UNM Health Sciences Rio Rancho Campus

The UNM Health Sciences Rio Rancho Campus strongly encourages individuals who have experienced sexual violence or misconduct to report the incident to law enforcement. A student who experiences sexual violence or misconduct on the UNM Health Sciences Rio Rancho Campus or off campus in Rio Rancho should contact the Rio Rancho Police Department (RRPD) at 505-891-7226. In an emergency, dial 911.

Students may contact CEEEO at 505-277-5251 to report an incident of sexual misconduct for administrative action as outlined in UNM's Discrimination Grievance Procedure located in Appendix A, 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 (505-277-2911). The UNM Dean of Students Office is also responsible for administering the Student and Visitor Codes of Conduct.

SUPPORTIVE MEASURES UNM PROVIDES FOLLOWING CRIMES INVOLVING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Upon receiving a report of an incident involving an alleged sexual assault, domestic violence, dating violence, or stalking, CEEO provides victims with information in writing about:

- Procedures victims should consider following if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred
- How the institution will protect the confidentiality of victims and other necessary parties
- Victim services at UNM and in the community
- Options for, available assistance in, and how to request accommodations and protective measures
- Procedures for institutional disciplinary action, how to request accommodations and protect measures
- Procedures for institutional disciplinary action

CEEEO also provides information about various supportive measures to the victim in writing that available on campus and in the larger community. CEEEO provides this information regardless of whether the victim chooses to report the incident to a Campus Security Authority (CSA), law enforcement, or any other UNM department. As a matter of practice, CEEEO provides victims with written (emailed) information on the available assistance in, and how to request changes to academic, living, transportation, and working situations, advocacy, counseling, medical service, academic and housing adjustment options, legal and immigration aid if the incident has the potential to impact their status, and continuing to receive financial aid. Victims receive this information regardless of whether the incident occurred on or off UNM property. Supportive measures are designed to protect the educational experience and safety of all involved, as well as the greater UNM Community. may be temporary or permanent in nature.

Supportive measures may be temporary or permanent in nature. Information on and assistance with other supportive measures CEEEO provides includes:

- The importance of preserving evidence
- Seeking medical attention
- Reporting options
- The investigative process
- Confidentiality and confidential reporting
- Police reporting options and receiving assistance with communicating with law enforcement
- Rights of parties involved
- How to request supportive measures, including protective measures

Protective Measures

The LoboRESPECT Advocacy Center, with the assistance of the 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.

There are several departments and office at UNM that can provide students with protective measures to both students and employees. They can help with:

- How to communicate with law enforcement and/or navigate the administrative investigative resources on campus, request an increased police presence, and/or campus safety escorts
- Requesting and making changes to academic accommodations, which may include working with professors regarding absences and completion of coursework
- A student's course accommodations, which may include changing course sections, or a complete withdrawal should a student wish to leave UNM
- An employee's work accommodations, which may include working with managers for the completion of essential work functions
- Finding or making changes to on-campus housing, such as temporarily or permanently relocating an affected party, navigating housing contracts, and addressing other potential housing needs
- Communicating with supervisors for on-campus jobs, regarding work schedules and absences
- Creating a safety plan with the student
- Parking on campus
- The potential to impose interim bans on students or employees who are Respondents
- Requesting that another person not contact them directly or through other channels with a no contact directive. In addition to a no contact directive, students may work with UNMPD or an advocacy center should they elect to pursue legal action for an order of protection. The Dean of Students Office handles violations of no-contact directives. Similarly, UNMPD addresses violations of restraining orders.

UNM makes the accommodations a victim requests or provides such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

UNM will also maintain as confidential as law permits, any accommodations or supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or supportive measures.

Supportive Measure Resources for Students Involved in an Incident that Involves Sexual Assault, Domestic Violence, Dating Violence, or Stalking

UNM boasts several departments that can assist students who have been a victim of sexual misconduct (which may include sexual assault, domestic violence, dating violence, or stalking). Students can seek any of the supportive measures listed above 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

Supportive Measure Resources for Employees Involved in an Incident that Involves Sexual Assault, Domestic Violence, Dating Violence, or Stalking

UNM boasts several departments that can assist employees who have been a victim of sexual misconduct (which may include sexual assault, domestic violence, dating violence, or stalking). Students can seek any of the supportive measures listed above at any point after an allegation by contacting the following offices:

Counseling and Referral Services
(CARS)

505-272-6868

CARS provides a safe and confidential setting in which clients may freely discuss concerns to promote emotional healing.

CARS can assist with developing safety plan options for staff and faculty, identifying specific resources, University offices, and/or policies for guidance in addressing client's situation, and developing options for reporting alleged violation of law or policy to appropriate personnel.

UNM Ombuds for Staff Services

505-277-2993

Ombuds 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

UNM Ombuds for Faculty Services
505-277-3212

provide a visitor with information, the visitor is solely responsible for deciding what actions to take.

Ombuds can assist with identifying specific resources, University offices, and/or policies for guidance in addressing the visitor's situation, to include how to obtain a no contact directive, and developing options for reporting alleged violations of law or policy to appropriate personnel.

Office for Compliance, Ethics &
Equal Opportunity (CEEO)
505-277-5251

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.

UNM’S INVESTIGATORY AND DISCIPLINARY PROCEDURAL RESPONSE TO REPORTS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

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 Discrimination Grievance Procedure (DGP) documents how the CEEO investigative process works and is provided in Appendix A of this report. 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.

The Administrative Hearing Procedures provided in Appendix B describe in full the steps, time lines, and decision-making processes for hearings involving violations of UNM policy, to include violations of [Administrative Policy 2740](#) arising from incidents of alleged sexual assault, domestic violence, dating violence, stalking, or other form of sexual misconduct. These procedures apply to cases involving UNM students, faculty, and/or staff.

The grievance process, including investigative and hearing procedures, are consistent for UNM students, faculty, and staff. UNM applies the DGP and Administrative Hearing Procedures to all civil rights cases investigations outlined in [UAP 2720](#), including VAWA offenses that fall outside the scope of Title IX in [UAP 2740](#).

Sanctions shall be set based upon mitigating and aggravating circumstances, including but not limited to the severity of the offense, the amount of harm created, the responsible party’s prior disciplinary record, and sanctions imposed in recent years for similar offenses.

The table below outlines the possible sanctions UNM may impose for students, students in campus housing, faculty, staff, and visitors following the results of a disciplinary procedure for an allegation of sexual assault, domestic violence, dating violence, or stalking.

Allegation	Possible Sanctions for Students	Possible Sanctions for Students in Housing	Possible Sanctions for Faculty	Possible Sanctions for Staff	Possible Sanctions for Visitors
Sexual Assault Rape Fondling Incest Statutory Rape	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus

	<ul style="list-style-type: none"> • Expulsion • Dismissal • Ban from campus 	<ul style="list-style-type: none"> • Expulsion • Dismissal • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 			<ul style="list-style-type: none"> • Total ban from campus
Domestic Violence	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus • Total ban from campus
Dating Violence	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus • Total ban from campus

	<ul style="list-style-type: none"> • Ban from campus 	<ul style="list-style-type: none"> • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 			
Stalking	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus 	<ul style="list-style-type: none"> • Verbal warning • Written warning • Probation • Suspension • Expulsion • Dismissal • Ban from campus • Housing reassignment • Restriction from certain areas of housing • Housing contract termination 	<ul style="list-style-type: none"> • Warning • Censure • Suspension without pay • Dismissal 	<ul style="list-style-type: none"> • Letter for improvement • Written warning • Probation • Suspension • Termination 	<ul style="list-style-type: none"> • Probation • Ban from certain areas of campus • Total 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.

INFORMATION ABOUT SEX OFFENDERS

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](#).

How to Access the Sex Offender Registry

The New Mexico Department of Public Safety, Bernalillo County Sheriff's Office, and City of Albuquerque Police Department all use [OffenderWatch](#)® to organize and publicize data about sex offenders in the State of New Mexico.

- The [New Mexico Department of Public Safety](#) provides a [statewide list of registered sex offenders](#)
 - Online: https://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlvb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==
 - By calling 505-827-9297
 - By emailing dps.sorna@state.nm.us
- The [Bernalillo County Sheriff's Office](#) provides a [countrywide list of registered sex offenders](#)
 - Online: https://www.communitynotification.com/cap_safety_1.php?office=55299
 - By calling 505-841-7678
 - By emailing mberger@bernco.gov

- The [City of Albuquerque Police Department](#) provides a [citywide list of registered sex offenders](#)
 - Online: <https://www.cabq.gov/police/online-services/sex-offender-lookup>)
 - By calling 505-468-7678
 - By emailing rduck@berco.gov

Members of the public can also use the [OffenderWatch app](#) to find and receive alerts about sex offenders in their area or in the area of loved ones: <https://offenderwatch.com/offenderwatch-family-safety-app/>

ANNUAL CRIME STATISTICS REPORTING

PREPARING ANNUAL CRIME STATISTICS

The Clery Coordinator within the Office for Compliance, Ethics & Equal Opportunity (CEEEO) compiles crime statistics from several campus and outside sources for disclosure in the ASFSR. Those sources include:

- Campus Security Authorities (CSAs)
- University of New Mexico Police Department (UNMPD), for incidents that occur on Main Campus
- Rio Rancho Police Department (RRPD), for incidents that occur on the UNM Health Sciences Rio Rancho Campus
- UNM's Title IX Coordinator, also within CEEEO;
- Outside law enforcement agencies that have primary jurisdiction where
 - Public property abuts campus;
 - UNM owns or controls property outside of Main Campus;
 - UNM students travel overnight and UNM has a written agreement in place for them to stay (e.g., athletic tournaments, geology camping trips, and student group trips); and
 - UNM holds off-site courses, classes and events where there is a written agreement in place to use the space.

The Clery Coordinator reviews reports and assesses each for offenses that fall under the Clery definitions of Clery crimes. If an incident involves a crime that meets at least one Clery offense definition and occurs within UNM's Clery Geography, it is included in the annual statistics.

Off-Campus Incidents

There are no known UNM student organizations that operate, own, or control any off-site facilities. It is possible that at some point during the year, virtually all UNM's officially recognized student groups hold some type of meeting or event at an off-campus venue.

Local, tribal, state, or federal law enforcement agency(s) with primary jurisdiction of any such event is responsible for any public safety response including criminal activity committed by UNM students. In most cases around Main Campus, this would be the City of Albuquerque Police Department (APD).

When a UNM student is involved in an offense that occurs off campus, the law enforcement agency with primary jurisdiction investigates—with or without the assistance of UNMPD. APD does not routinely notify UNMPD of incidents involving students who live within their jurisdiction off campus.

CLERY GEOGRAPHY

“Clery Geography”, as defined by the Clery Act, is a university’s physical presence as defined by one of three categories: On Campus, Non-Campus, and Public Property.

On Campus Geography includes any property or building that is:

- Owned or controlled by UNM within the same reasonably contiguous geographic area and used in direct support of, or in a manner related to, educational purposes
- or
- Within or reasonably contiguous to the area of campus, that is UNM-owned but controlled by another person, is frequently used by students, and supports institutional purposes, such as retail or food establishments.

Examples of On Campus locations include lecture halls, residence halls, the Student Union Building, recreational and athletics facilities such as The Pit and the Johnson Center, UNM Hospital, and administrative offices on campus.

On-Campus Student Housing

The Clery Act requires institutions with student housing to report on Clery crimes that occur within the housing facilities. This is a subcategory of On Campus Geography, which means that any statistic disclosed under On-Campus Student Housing is also included in the overall On Campus category.

Non-Campus Geography comprises those properties and buildings that are:

- Owned or controlled by a student organization officially recognized by UNM
- or
- Owned or controlled by UNM and is used in direct support of, or in relation to, the institution’s educational purposes, are frequently used by students, and are not within the same reasonably contiguous geographic area of campus.

Examples of Non-Campus locations include Greek housing, off-campus research facilities that UNM owns, leases, or controls, UNM-owned housing for medical students attending an off-campus program, and off-site venues where UNM students stay or study for more than one night or on a recurring basis where there is a written agreement in place between UNM and the venue.

Public Property for the purposes of Clery Act crime reporting is considered any property that is:

- Within the same reasonably contiguous geographic area of, within, or adjacent to the UNM campus
- Publicly and not privately owned
- Adjacent to a facility owned or controlled by UNM if the facility is used by UNM in direct support of, or in a manner related to, UNM's educational purposes
and
- Accessible from campus (that is, unrestricted by a barrier such as a fence or roadway)

Examples of Public Property locations include sidewalks, streets, bus stops, and parks along the campus perimeter where physical access from campus is restricted. Streets that directly border UNM's campus include:

- University Blvd
- Central Blvd
- Lomas Blvd
- Vassar Dr
- Stanford Dr
- Avenida César Chávez
- Buena Vista Dr
- Indian School Rd

Click on each link to view UNM's Clery Geography maps:

- [Clery Geography for Main Campus](#)
- [Clery Geography for South Campus](#)



REPORTABLE OFFENSES UNDER THE CLERY ACT

Not all crimes fall under what is reportable under the Clery Act. The Clery Act requires universities to report alleged crimes that fall into one or more of four categories, regardless of whether law enforcement investigates or identifies or brings charges against anyone involved.

It is important to note that Clery crimes are not limited to those involving students. A Clery crime is the report of any crime that meets the definition of those offenses specified in the Clery Act and occurs within our Clery Geography—regardless of who is affected, who committed the crime, or what time of year it is.

The following table lists all the crimes for which institutions must publish statistics under the Clery Act.

Primary Offenses	Hate Crimes	Violence Against Women Act (VAWA) Offenses	Arrests and Referrals for Disciplinary Action
<ul style="list-style-type: none"> • Murder/ Non-negligent Manslaughter • Manslaughter by Negligence • Sexual Assault: • Rape, Fondling, Incest, and Statutory Rape • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson 	<ul style="list-style-type: none"> • Murder/ Non-negligent Manslaughter • Manslaughter by Negligence • Sexual Assault: • Rape, Fondling, Incest, and Statutory Rape • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson • Larceny-Theft • Simple Assault • Simple Assault • Destruction/Damage/ Vandalism of Property 	<ul style="list-style-type: none"> • Domestic Violence • Dating Violence • Stalking 	<ul style="list-style-type: none"> • Liquor Law Violations • Drug Abuse Violations • Weapons Law Violations

Reports of attempts to commit any of these types of crimes are also considered to be Clery crimes. For example, an attempted Rape must be included in the statistics under the category for Rape. An attempted Burglary must be included under the category for Burglary.

More About Hate Crimes

A hate crime occurs when the offender is motivated by bias to commit a crime against the victim, even if the offender's bias is based solely in perception. Under the Clery Act, "bias" is a preformed negative attitude or opinion towards a group of persons based on one of the following bias categories:

- Race
- Gender
- Gender identity
- Religion
- Disability
- Sexual Orientation
- Ethnicity
- National Origin

If any Primary Offenses were reportedly committed as "Hate Crime," they must be indicated as both a Primary Offense and Hate Crime in the annual crime statistics.

CLERY OFFENSE DEFINITIONS

Clery Crimes are organized in four categories:

- Primary Offenses (as defined by the [Summary Reporting System User Manual](#) and the [National Incident-Based Reporting System User Manual](#))
- Violence Against Women Act (VAWA) Offenses (as defined by the [VAWA Reauthorization Act of 2013](#))
- Arrests/Citations/Summons and Referrals for Disciplinary Action (as defined by the [State of New Mexico Statutes](#))
- Hate Crimes (as defined by the [Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual](#))

UNM also reports on unfounded crimes, or crimes that UNMPD has found to be baseless or false through investigation. Only a sworn or commissioned law enforcement agency can unfound a crime.

Primary Offense Definitions

- **Murder and Non-negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, suicides, justifiable homicide, and accidental deaths are excluded.
- **Negligent Manslaughter:** the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category Manslaughter by Negligence.
- **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly and/or against that person's will or not forcibly or against the person's will, in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity
- **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will, in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity
- **Incest:** nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** nonforcible sexual intercourse with a person who is under the statutory age of consent
- **Robbery:** 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:** an unlawful attack or attempted attack by one person upon another for the purpose of 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. "Weapon" may refer to a firearm, a knife or other cutting instrument (a razor, scissors, glass, etc.), another dangerous weapon (pepper spray, brass knuckles, a club, poison etc.), or a personal weapon (hands, fists, feet, etc.).
- **Burglary:** the unlawful entry of a structure to commit a felony or a theft, either by force or trespassing. Attempted forcible entry is included.
- **Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle, including all incidents where a motor vehicle is taken by a person who does not have lawful access or consent of the owner, including attempted thefts and joyriding. A motor vehicle is self-propelled and runs on land surface and not on rails. Theft from motor vehicles, motorboats, construction equipment, airplanes, and farming equipment are excluded.
- **Arson:** 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.

Violence Against Women Act (VAWA) Offense Definitions

- **Domestic Violence:** felony or misdemeanor crimes of violence committed or attempted by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in

common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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

- **Dating Violence:** violence committed or attempted by a person who is or has been in a social relationship of a romantic or intimate nature with the victim
- **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Acts may include incidences 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. 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 someone finding themselves in similar circumstances and who shares similar identities, backgrounds, training, and experiences with 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.

Arrests/Citations/Summons and Referrals for Disciplinary Action Definitions

- **Weapons Violation:** the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.
- **Drug Abuse Violation:** the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs to include prescription medications.
- **Liquor Law Violation:** the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness

Hate Crime Definitions

Hate Crimes (criminal offenses committed against a person or property which is motivated, in whole or in part, by the offender's bias) are also included as reportable crimes, which include all crimes listed above under Primary Offenses in addition to the following four crimes:

- **Larceny-Theft:** the unlawful taking, carrying, leading, or riding away of property from the possession or control of another, including shoplifting, motor vehicle or bicycle parts, pickpocketing, the stealing of property that is not taken by force, violence, or fraud, attempted theft, regardless of the value of the item(s) stolen
- **Simple Assault:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness
- **Intimidation:** unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack
- **Destruction/Damage/Vandalism of Property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person in control of it

Hate Crime Bias Categories

- **Race:** a preformed negative attitude toward a group of persons who possess common physical characteristics, such as color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (for example: Asians, blacks or African Americans, whites)
- **Gender:** a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (for example: male or female)
- **Gender Identity:** a performed negative opinion or attitude towards a person or group of persons based on their actual or perceive gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society (for example: a woman dressed in traditionally male clothing or a man wearing makeup). A gender non-conforming person may or may not be a lesbian, gay bisexual, or transgender person but may be perceived as such.
- **Religion:** a performed negative opinion or attitude towards a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (for example: Catholics, Jews, Protestants, atheists)
- **Sexual Orientation:** a performed negative opinion or attitude towards a person or group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Ethnicity:** a performed negative opinion or attitude towards a person or group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

- **National Origin:** a performed negative opinion or attitude towards a person or group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability:** a performed negative opinion or attitude towards a person or group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness

Individuals with any questions about the following statistics can contact the UNM Clery Coordinator for more information about how they are compiled. CEEO does not release any information about crime reports that may compromise the safety of the parties involved, the UNM community, or law enforcement investigation. Individuals may contact the Clery Coordinator at the [CEEEO](#):

609 Buena Vista NE
Albuquerque, NM 87106
505-277-5251
ceeo@unm.edu

CLERY ACT STATISTICS FOR CALENDAR YEARS 2019, 2020, & 2021 (MAIN CAMPUS)

TOTAL CLERY CRIMES, MAIN CAMPUS (CY2019, CY2020, CY2021)

Location	CY2019	CY2020	CY2021
On Campus	583	273	325
Non-Campus	0	2	1
Public Property	5	0	2
Total	588	275	328

A Discussion of Pronounced Variations

The numbers in this year's ASFSR contain significant fluctuations in Clery crime reports of certain offenses. While crime statistics vary based on a multitude of factors including police resources, patterns in the overall community, individuals' perceptions of crime and attitudes toward reporting crime, and the stability of family cohesiveness (especially in times of crisis such as the pandemic), the following offers some explanation for these changes.

Sexual Violence and Violence Against Women Act (VAWA) Offenses

In 2021, students attended UNM virtually for approximately half of calendar year until UNM reinstated a partial return to Main Campus. Given these changes, the rate of reports of an alleged Rape or Attempted Rape, Domestic Violence, Dating Violence, and Stalking in CY2021 occurring within UNM's Clery Geography was roughly equal to that of CY2019, before COVID-19 caused a total campus shut-down later in 2019 and for the entirety of CY2020. The increases from CY2020 most likely resulted from the partial return of students to campus housing in particular during CY2021.

UNMPD received a report of two statutory rapes that occurred during a single incident. The offense involved two victims under the age of consent and one perpetrator.

Burglary

The rate of Burglaries dropped from CY2020 to CY2021, however, the rate in CY2021 was slightly higher than that in CY2019. The number of Burglary reports that occurred within student housing was consistent across all three calendar years.

Motor Vehicle Theft

While the number of Motor Vehicle Theft reports was consistent in CY2021 as in CY2020, the rate of reports was significantly higher than it was CY2019. These figures should be explored further, since the number of Motor Vehicle Thefts reported by the City have declined since 2019 (5,690 in 2019, 5,213 in 2020, and 5,520 in 2021 [according to APD](#)). It is possible that more students living on campus had vehicles in CY2021 than in previous years, or that environmental factors such as lighting changed over time.

Disciplinary Referrals for Liquor Law, Drug Abuse, and Weapons Law Violations

The rate of Disciplinary Referrals for Liquor Law Violations declined from its CY2019 statistics. All Referrals that were issued originated from student housing.

The number of Disciplinary Referrals for Drug Abuse Violations dropped almost entirely from CY2019 to CY2021 after New Mexico decriminalized marijuana on June 30, 2021.

Offense (includes attempts)	CY2019 (Campus Open)	CY2020 (Total Shutdown of Campus)	CY2021 (Partial Shutdown of Campus)
Rape	23	9	11
Domestic Violence	42	15	23
Stalking	23	9	11
Statutory Rape	0	0	2
Aggravated Assault	21	11	28
Burglary	50	43	35
Motor Vehicle Theft	76	41	82
Disciplinary Referrals for Liquor Law Violations	199	73	71
Disciplinary Referrals for Drug Abuse Violations	92	33	1

CLERY CRIMES, MAIN CAMPUS (CY2019)

Primary Offenses (CY2019)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	1
Manslaughter by Negligence	0	0	0	0
Rape	23	17	0	0
Fondling	14	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	2	0	0	0
Aggravated Assault	17	2	0	4
Burglary	50	15	0	0
Motor Vehicle Theft	76	0	0	0
Arson	1	1	0	0

Violence Against Women Act (VAWA) Offenses (CY2019)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	42	18	0	0
Dating Violence	0	0	0	0
Stalking	45	9	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2019)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	15	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	1	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	2	2	0	0
Liquor Law Violation - Referral for Discipline	199	199	0	0
Drug Abuse Violation - Referral for Discipline	92	92	0	0
Weapons Law Violation - Referral for Discipline	2	2	0	0

Hate Crime Offenses (CY2019)	Bias Category	Location
Intimidation	Religion	On Campus (Student Housing)
Intimidation	Ethnicity	On Campus

There were three (3) crimes unfounded through investigation during CY2019.

CLERY CRIMES, MAIN CAMPUS (CY2020)

Primary Offenses (CY2020)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	9	6	0	0
Fondling	6	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	5	0	0	0
Aggravated Assault	11	4	0	0
Burglary	41	13	2	0
Motor Vehicle Theft	41	1	0	0
Arson	4	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2020)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	15	4	0	0
Dating Violence	0	0	0	0
Stalking	21	12	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2020)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	3	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	4	0	0	0
Liquor Law Violation - Referral for Discipline	73	73	0	0
Drug Abuse Violation - Referral for Discipline	33	33	0	0
Weapons Law Violation - Referral for Discipline	4	4	0	0

Hate Crime Offenses (CY2020)	Bias Category	Location
Intimidation	Religion	On Campus (Student Housing)
Intimidation	Race	On Campus
Destruction/Damage/Vandalism of Property	National Origin	On Campus (Student Housing)

There were no crimes unfounded through investigation during CY2020.

CLERY CRIMES, MAIN CAMPUS (CY2021)

Primary Offenses (CY2021)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	11	9	0	0
Fondling	13	5	0	0
Incest	0	0	0	0
Statutory Rape	2	2	0	0
Robbery	4	1	0	0
Aggravated Assault	26	8	0	2
Burglary	35	15	0	0
Motor Vehicle Theft	82	0	0	0
Arson	1	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2021)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	23	11	0	0
Dating Violence	0	0	0	0
Stalking	32	12	1	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2021)	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	1	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	12	1	0	0
Weapons Law Violation - Arrest/Summons/Citations	5	0	0	0
Liquor Law Violation - Referral for Discipline	71	71	0	0
Drug Abuse Violation - Referral for Discipline	1	1	0	0
Weapons Law Violation - Referral for Discipline	3	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Destruction/Damage/Vandalism of Property	Religion	On Campus
Simple Assault	Ethnicity	On Campus
Simple Assault	Religion	On Campus (Student Housing)

There were twelve (12) crimes unfounded through investigation during CY2021.

CLERY ACT STATISTICS FOR CALENDAR YEARS 2019, 2020 & 2021 (UNM Health Sciences Rio Rancho Campus)

TOTAL CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2019, CY2020, CY2021)

Location	CY2019	CY2020	CY2021
On Campus	0	0	6
Non-Campus	0	0	0
Public Property	0	0	1
Total	0	0	7

A Discussion of Pronounced Variations

The numbers in this year's ASFSR contain significant fluctuations in Clery crime reports of certain offenses. Crime statistics vary based on a multitude of factors including police resources, patterns in the overall community, individuals' perceptions of crime and attitudes toward reporting crime, and the stability of family cohesiveness (especially in times of crisis such as the pandemic).

The Clery Act requires UNM to make a good-faith effort to elicit crime statistics from outside jurisdictions. However, these outside agencies are not obligated to respond. It is most likely that in past years, statistics for the Rio Rancho Campus reflected a crime-free campus because we did not receive reports from Rio Rancho Police Department (RRPD). This year, we made direct contact to retrieve those affecting main campus and the surrounding area. We received a total of six reports in return. This year's statistics are a more realistic representation of what Clery offenses occurring at the campus, which most would agree is a step forward for transparency and consumer rights at UNM.

The four reports of Aggravated Assault and single report of Dating Violence all originate from the same incident occurring at Sandoval Regional Medical Center, which involved one perpetrator, three healthcare workers, and a civilian known to the offender.

Offense (includes attempts)	CY2019	CY2020	CY2021
Aggravated Assault	0	0	4
Burglary	0	0	1
Motor Vehicle Theft	0	0	1
Arrests for Drug Abuse Violations	0	0	1

CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2019)

Primary Offenses (CY2019)	On Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2019)	On Campus	Non-Campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2019)	On Campus	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	0	0	0
Liquor Law Violation - Referral for Discipline	0	0	0
Drug Abuse Violation - Referral for Discipline	0	0	0
Weapons Law Violation - Referral for Discipline	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Not applicable	Not applicable	Not applicable

There were no crimes unfounded through investigation during CY2019.

CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2020)

Primary Offenses (CY2020)	On Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2020)	On Campus	Non-Campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2020)	On Campus	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	0
Weapons Law Violation - Arrest/Summons/Citations	0	0	0
Liquor Law Violation - Referral for Discipline	0	0	0
Drug Abuse Violation - Referral for Discipline	0	0	0
Weapons Law Violation - Referral for Discipline	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Not applicable	Not applicable	Not applicable

There were no crimes unfounded through investigation during CY2020.

CLERY CRIMES, UNM HEALTH SCIENCES RIO RANCHO CAMPUS (CY2021)

Primary Offenses (CY2021)	On Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	4	0	0
Burglary	0	0	0
Motor Vehicle Theft	1	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY2021)	On Campus	Non-Campus	Public Property
Domestic Violence	1	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Liquor, Drug, and Weapons Law Offenses and Referrals for Disciplinary Action (CY2021)	On Campus	Non-Campus	Public Property
Liquor Law Violation - Arrest/Summons/Citations	0	0	0
Drug Abuse Violation - Arrest/Summons/Citations	0	0	1
Weapons Law Violation - Arrest/Summons/Citations	0	0	0
Liquor Law Violation - Referral for Discipline	0	0	0
Drug Abuse Violation - Referral for Discipline	0	0	0
Weapons Law Violation - Referral for Discipline	0	0	0

Hate Crime Offenses (CY2021)	Bias Category	Location
Not applicable	Not applicable	Not applicable

There were no crimes unfounded through investigation during CY2021.

UNM FIRE SAFETY REPORT

UNM provides fire safety information as part of this Annual Security and Fire Safety Report (ASFSR) to comply with the Higher Education Opportunity Act of 2008.

FIRE SAFETY SYSTEMS IN UNM STUDENT HOUSING

UNM's student housing facilities are equipped with fire safety and prevention systems. They include:

- **Battery operated smoke detectors** in rooms and common areas
- **A centralized smoke detector system** in common areas as well as bedrooms. Fire suppression system is also in place throughout the building.
- **Local smoke alarms** in dormitory rooms, manual pull stations at all exit doors, and system smoke detectors in common areas. Activation of pull station or system detector sends an alert signal to the 24/7 Student Residence Center (SRC) desk and UNMPD. There are no fire sprinklers.
- **Full fire alarm system in dormitory rooms.** Detectors ring locally signaling only SRC. Common areas have full detection systems with pull stations that will activate a general alarm along with sending an alert signal to the 24/7 SRC and UNMPD. There are partial sprinklers in the basement tied to the fire alarm system. The fire sprinkler system is in the basement only.
- **Smoke detection in common areas** activate a general alarm. Alarms is activated by sprinklers activation or when SRC notifies UNMPD. Common areas have a fire sprinkler system. Apartments are fully sprinkled.
- **System smoke/heat detectors** in unoccupied rooms and **local smoke detectors** in rooms, common areas, and corridors within apartments only. Apartment fire sprinkler systems. Redondo Village Apartments (RVA) are fully sprinkled. Detectors or sprinklers activate the general alarm, or SRC notifies UNMPD. The alarm notifies both UNMPD and the City of Albuquerque Emergency 911 Dispatch Center.
- **Smoke detector systems** in common areas as well as bedrooms.
- **Centralized smoke detector system** and fire suppression system in common areas as well as bedrooms of houses. There are also pull stations in main hallways and common areas to activate the alarm.

FIRE DRILLS & EVACUATION PROCEDURES

Residence halls facilities 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 to include ACC properties must follow the established building evacuation procedures:

Follow all instructions given by RLSH staff, ACC staff, UNMPD, and other emergency personnel.

- Close all room windows and open draperies.
- Grab a blanket or towel to place over your mouth to prevent smoke inhalation.
- Leave ceiling lights on in your room.

- Leave as quickly as possible and proceed to nearest designated exit.
- Lock your room door and take your room key with you.
- Use emergency exits only if it is truly an emergency or fire.
- Exit the building.

The table below provides the number of fire safety systems, fire extinguishers, and fire drills RLSH and ACC conducted during Calendar Year 2021.

Residence Hall	# Fire Safety Systems	# Fire Extinguishers	# Fire Drills Conducted During CY2021
Alvarado Hall 2800 Campus Blvd NE	3	24	4
Casas del Rio 420 Redondo Dr NE	8	63	2
Coronado Hall 301 Girard Blvd NE	4	46	4
DeVargas Hall 2604 Campus Blvd NE	5	17	4
Hokona Hall 2500 Campus Blvd NE	5	108	4
Laguna Hall 2602 Campus Blvd NE	5	18	4
Lobo Rainforest 101 Broadway Blvd NE	7	217	4
Lobo Village 1200 Avenida César Chávez SE	8	280	4
Redondo Village Apartments 306 Redondo Dr NE	7	134	4
Santa Clara Hall 2600 Campus Blvd NE	3	17	4
Student Family Housing 961 Buena Vista Blvd SE	3	236	4
Student Residence Center 301 Redondo Dr NE	6	86	4
Kappa Kappa Gamma 1620 Mesa Vista Rd NE	10	Yes	2

(On-Campus Student Housing)			
Pi Beta Phi 1701 Mesa Vista Rd NE (On-Campus Student Housing)	11	Yes	2

FIRE SAFETY POLICIES AND RULES

Fire Safety Policies and Rules in Residence Life and Student Housing (RLSH) Residence Halls

Students who live in UNM residence halls and apartments are part of an academic community that has community standards to promote the safety and wellbeing 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 Life 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/or 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.
- The [Residence Life Handbook](#) requires that all electrical appliances, cords, and products be listed with national standards. The Handbook 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.
- **Halogen lamps.** Halogen lamps are prohibited in residence halls and apartments because they pose a fire hazard.

Fire Safety Policies and Rules in American Campus Communities (ACC) Residence Halls

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.
- **Smoking.** 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 its respective clubhouse, office areas, or amenities.

Residents with questions can contact the Lobo Village or Casas del Rio offices directly.

Fire Safety Policies and Rules in Non-Campus Greek Houses

UNM's Greek Letter Organizations (GLO) comprises 24 fraternity and sorority chapters. Of those 24 chapters, five chapters own and manage chapter houses where members of the fraternity or sorority may reside. These GLOs are within the UNM campus area but they are neither owned nor managed by the University. Chapter houses are owned by the Greek organizations. All fraternity and sorority chapters that own houses are affiliates of their respective national GLOs, which set rules and policies governing chapter houses. For these reasons, they are categorized as considered **Non-Campus** for the purposes of Clery reporting.

While rules vary from chapter to chapter, each has:

- Fire extinguishers;
- Restrictions on live flame candle use; and
- 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 2021, no reported fires occurred in any Greek Letter Organization house.

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 City of Albuquerque Fire Department by calling 911 or to the 24/7 UNM Student Residence Center desk by calling 505-277-9203.

In the event a fire has already occurred, individuals—once they are safe—must report the fire to the following corresponding area, depending on where the fire occurred.

Campus Office	Contact	Phone
Resident Life & Student Housing (RLSH) Director	Megan Chibanga	505-277-2383
RLSH Assistant Manager	Deanna Padilla	505-277-2383
American Campus Communities (ACC) Area Manager at Lobo Village	Jessika Griego	505-925-5575
ACC Manager at Casas del Rio	Marcos Romero	505-277-1619
Hall Director at Lobo Rainforest	Sade Shabazz	505-277-1522
UNM Safety & Risk Services (Environmental Health & Safety)	Zachary Peterson	505-277-2753

UNM's Safety & Risk Services Department maintains information on reports of fires and fire alarms in University-owned residence halls. 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.

FIRE STATISTICS FOR STUDENT HOUSING FACILITIES FOR CALENDAR YEARS 2019, 2020, AND 2021

Residence Hall	# fires, CY2019	# fires, CY2020	# fires, CY2021	Location	Cause	Injuries	Deaths	Value of Property
Alvarado Hall 2800 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Casas del Rio 420 Redondo Dr NE	0	0	0	N/A	N/A	0	0	N/A
Coronado Hall 301 Girard Blvd NE	0	0	0	N/A	N/A	0	0	N/A
DeVargas Hall 2604 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Hokona Hall 2500 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Laguna Hall 2602 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Lobo Rainforest 101 Broadway Blvd NE	1	0	0	3 rd floor stairwell	Student causes paper fire	0	0	N/A
Lobo Village 1200 Avenida César Chávez SE	0	1	0	Lot immediately west of Lobo Village	Unknown person started a small brush fire	0	0	\$500.00
Redondo Village Apartments 306 Redondo Dr NE	0	0	2	5/5/2021: North staircase 8/29/2021:	5/5/21: Fire started while someone used power tools to demo staircase during a remodel 8/29/2021:	0	0	\$99,022.75

				Dumpster outside	Cause unknown. UNMPD promptly responded and extinguished the fire without incident.			
Santa Clara Hall 2600 Campus Blvd NE	0	0	0	N/A	N/A	0	0	N/A
Student Family Housing 961 Buena Vista Blvd SE	0	0	0	N/A	N/A	0	0	N/A
Student Residence Center 301 Redondo Dr NE	0	0	2	4/6/2021: Apt D 11/8/2021: Parking lot	4/6/2021: Students left food unattended on stovetop 11/8/2021: Believed to have started after an unknown individual attempted to steal catalytic converter out of a vehicle	0	0	\$88,484.16

TRAINING AND FUTURE IMPROVEMENTS FOR FIRE SAFETY

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 provides fire extinguisher training for both professional staff and Resident Advisors as well as housing maintenance staff.

UNM's Safety & Risk Services Department continually evaluates the need for improvements with regard to all aspects of UNM's campus fire safety program. Fire safety and prevention are a community-wide responsibility. It is the intent of Safety & Risk Services to provide an environment that addresses the issues of fire and life

safety for students, visitors, volunteers, faculty and staff. To that end, the Department 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 documenting 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 and life safety codes

CEEO DISCRIMINATION GRIEVANCE PROCEDURE (DGP)

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 assault, domestic violence, dating violence, and stalking, which are considered severe forms of sexual harassment.

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 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.

The Office of Compliance, Ethics and Equal Opportunity (CEEO) 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 an allegation of civil rights violations, CEEO acts as the finder of fact and will prepare a report at the conclusion of its investigation, as described herein. CEEO has no decision making or sanctioning authority. Once CEEO finalizes a report after an investigation into civil rights violations, CEEO refers the matter to the appropriate UNM office, which will ultimately determine whether a University policy has been violated or otherwise resolve the issue. CEEO reports directly to the UNM President’s Office to maintain optimal independence and impartiality.

CEEO staff treats all parties with respect and approaches each case impartially and equitably. In fulfilling its dual tasks of educating and providing public service, UNM shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. CEEO, 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. Leadership in CEEO includes the Chief Compliance Officer, the Compliance Coordinator, the Director of Equal Opportunity, and the Title IX Coordinator.

CEEO’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 the Fifth and Fourteenth Amendments to the U.S. Constitution. CEEO shall comply with the Family Educational Rights and Privacy Act (“[FERPA](#)”).

This CEEO Discrimination Grievance Procedure (“DGP”) outlines the method CEEO uses when processing complaints alleging violations of UNM policy **to include sexual assault, domestic violence, dating violence, and stalking**. Some of the complaints brought under this procedure may also contain allegations that qualify as violations of criminal statutes. As stated above, CEEO 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. **CEEO does NOT independently report alleged crimes to law enforcement except in limited circumstances, such as harm to a minor.**

DEFINITIONS USED IN THIS DGP

Term	Definition
<i>Actual Knowledge</i>	Notice of sexual harassment or allegations received by CEEO or the Title IX Coordinator regarding discrimination, including sexual harassment
<i>Advisor</i>	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
<i>Complainant</i>	The person or persons filing a complaint with CEEO
COR	Confirmation of Response: A Respondent’s written statement in response to a Complainant’s COA

<i>Differential Treatment</i>	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
<i>Discrimination</i>	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.
<i>Education Program and Activity</i>	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
<i>Evidence</i>	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.
<i>Exculpatory Evidence</i>	Evidence which tends to show that a Respondent is not responsible for an alleged policy violation
<i>Failure to Report</i>	Responsible employees under University Policy 2740 are required to report allegations of known or suspected violations of University Policy 2740 or of gender discrimination to CEEO and/or the Title IX Coordinator with 24 hours or as soon as reasonably practicable. Per University Policy 2720, 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 policy.
<i>Final Determination</i>	The Hearing Officer's conclusion by a preponderance of the evidence deciding whether alleged conduct occurred and whether that conduct violates UNM policy.
<i>Formal Complaint</i>	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 University Policy 2740, and requesting that CEEO investigate the allegations of discrimination or harassment

<i>Hearing</i>	The adjudicatory process that takes place after CEEO has concluded its investigation of an alleged civil rights policy violation
<i>Hearing Coordinator</i>	The individual responsible for coordinating a hearing among the parties, Advisors, witnesses, and other hearing participants
<i>Hearing Officer</i>	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.
<i>Hostile Environment</i>	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.
<i>Inculpatory Evidence</i>	Evidence which tends to show that a Respondent is responsible for an alleged policy violation
<i>Informal Resolution</i>	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. In cases where a violation of Policy 2740 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.
<i>Investigative Report</i>	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
<i>Jurisdiction</i>	Occurs when the circumstances of a complaint are such that CEEO is authorized by UNM Policy to investigate or remedy those circumstances or allegations
<i>Post-Closure Action</i>	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
<i>Preponderance of the Evidence</i>	The relevant evidence gathered during an administrative investigation that demonstrates it is more likely than not that a policy violation occurred

<i>Protected Class or Status</i>	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 orientation, spousal affiliation, and veteran status.
<i>Remedies</i>	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.
<i>Retaliation</i>	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
<i>Support Person</i>	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.
<i>Supportive Measures</i>	<p>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.</p> <p>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.</p>

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 and/or Director of Equal Opportunity is responsible for coordinating the effective implementation of supportive measures, as appropriate.

<i>Respondent</i>	The person or persons responding to a complaint filed with CEEO
<i>Third-Party Report</i>	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
<i>Title IX</i>	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.
<i>Unaffiliated</i>	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.
<i>Union Representative</i>	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 an observer for the party.
<i>Witness</i>	Any person who may have knowledge of the evidence in an investigation or complaint

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, CEEEO will send all correspondence using this method. Requests that CEEEO send communications to an email address other than a UNM email address must be made in writing via email to 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, by mail to CEEO's mailing address at 1 University of New Mexico, MSC05 3150, Albuquerque, NM 87131-0001, or by hand delivery to CEEO during CEEO's 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 from CEEO to an individual by mail is deemed received by the recipient **three (3) business days** after the postage date.

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 person for asserting his or her civil rights or for reporting civil rights related misconduct, including sexual assault, domestic violence, dating violence, and stalking. 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.

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.

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 that may or may not include incidents of alleged sexual assault, domestic violence, dating violence, or stalking:

- UNM Students
- UNM Student Employees
- UNM Staff
- UNM Faculty
- UNM Applicants
- Visitors to UNM

- Former UNM Employees or Students
- Parents and Guardians of Applicants or Students

Reports of incidents of alleged sexual assault, domestic violence, dating violence, or stalking and other civil rights violations can be made through any of the following means:

Call UNMPD at 505-277-2241 (for incidents involving an alleged crime such as sexual assault, domestic violence, dating violence, or stalking);

- Make a report on [UNMPD's online crime report form](#);
- Notify a Campus Security Authority (CSA)
- Complete and submit an [online CEEO complaint form](#);
- Email (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 505-277-5251.

Inquiries may be made outside of UNM to:

Office for Civil Rights (OCR)
 U.S. Department of Education
 400 Maryland Avenue SW
 Washington, D.C. 20202-1100 Customer Service Hotline #: (800) 421-3481
 Facsimile: (202) 453-6012 TDD#: (877) 521-2172
 Email: OCR@ed.gov
 Web: <http://www.ed.gov/ocr>

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

Informal Complaint from Complainant

A Complainant may file an [informal complaint](#) of discrimination or harassment (which includes sexual assault, domestic violence, dating violence, and stalking) in order 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 by itself, however, will not activate the formal grievance process. A report from a third-party reporter is considered an informal complaint.

The informal complaint should include:

- The Complainant's name and preferred contact information, as well as their affiliation with UNM (student, staff, faculty, applicant, or visitor to UNM);

- The Respondent's name and contact information, and whether the Respondent is a student, staff, faculty, or UNM visitor;
- The Complainant's protected status under which the alleged discrimination or harassment has occurred;
- 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
- A description of the alleged discriminatory conduct and the Complainant's protected status (as defined on page 1).

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

- CEEO 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;
- CEEO will offer the Complainant the opportunity to request supportive measures;
- CEEO 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. CEEO may contact persons who submit complaints in order to discuss the details of the concerns and obtain additional factual information.

Formal Complaint from Complainant

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment (which includes sexual assault, domestic violence, dating violence, and stalking) 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:

- Be filed utilizing the CEEO [formal complaint form](#) (if the complaint is received verbally or via a third-party report, the Complainant electing a formal complaint process shall utilize the CEEO form);
- Be signed and dated by the Complainant;
- Include Respondent's name and contact information (if known), and whether the Respondent is a student, staff, faculty, or UNM visitor;
- Include Complainant's protected status, which they claim as the basis for the alleged discrimination or harassment;
- 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.);

- Include a description of the alleged discriminatory conduct and the Complainant's protected status (as defined on page 1 herein);
- Identify the UNM program, activity, or location where the alleged conduct occurred; and
- 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.

Third-Party Reports and Reports from Responsible Employees: Failure to Report

CEEEO receives reports from third-party reporters, responsible employees, or others who have information regarding potential civil rights violations to include incidents of alleged sexual assault, domestic violence, dating violence, and stalking. 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.

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. CEEO 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 CEEO investigator. Respondent will have the same opportunity to appeal per the process outlined in Section X herein. After the appeal window closes, CEEO will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

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.

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.

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

Jurisdiction Generally

CEEO reviews discrimination complaints to determine whether it is authorized to address them. CEEO'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, CEEO may assert jurisdiction when the

complaints are alleged to impact the campus environment or a staff, faculty, or student's work or academic environment.

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

The parties involved. CEEO investigates policy violations. Therefore, the policy alleged to have been violated must apply to at least one of the persons involved in the report.

The subject matter of the allegations underlying the complaint. CEEO has jurisdiction to investigate alleged policy violations regarding civil rights. For CEEO 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 CEEO may not be able to accept jurisdiction and/or may dismiss the matter as outlined in Section VI(C)(3)(b).

As noted above, CEEO may take informal action related to allegations that do not, as alleged, violate UNM policy; therefore, UNM and CEEO encourage anyone who has any concerns related to civil rights to include incidents of alleged sexual assault, domestic violence, dating violence, and stalking at UNM to bring their concerns to CEEO.

To make a jurisdictional determination, CEEO may also consider:

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

Jurisdiction of Complaints Subject to University Policy 2740

In order to accept jurisdiction in cases of alleged sexual harassment as defined in [University Policy 2740](#) and includes sexual assault, domestic violence, dating violence, and stalking, 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 Policy 2740](#) must have occurred in the United States.

FORMAL GRIEVANCE PROCEDURE

Formal Complaint

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment (which includes sexual assault, domestic violence, dating violence, and stalking) to initiate the formal grievance procedure outlined in this section.

The Complainant shall file a formal complaint by either signing and dating the CEEO [formal complaint form](#) or by signing a Confirmation of Allegations after providing a verbal statement of their complaint to an investigator. A Complainant who files a formal complaint will have the opportunity to seek supportive measures.

Notice

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

- A formal complaint has been received;
- The ability to informally resolve the complaint. The parties must agree to an informal resolution in cases alleging violation of University Policy 2740. Informal resolutions are unavailable in cases where a UNM employee is alleged to have sexually harassed a student;
- A notice of the allegations, including the identities of relevant participants;
- The specific policy or policies that Respondent is alleged to have violated;
- The date and location of the incident, if known;
- 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;
- Inform the parties, which includes anyone involved in a disciplinary proceeding related to incidents of alleged sexual assault, domestic violence, dating violence, or stalking (as required by the [Clery Act](#)), that they may have an Advisor of their choice during any subsequent hearing, including an attorney at their own expense, if they choose.
- Advise the parties of UNM policies prohibiting false statements. See [UNM Student Code of Conduct](#), Section 2.3; [University Policy 2720](#), Section 12; [University Policy 2740](#).
- Inform the parties about retaliation as described in University Policies [2720\(13\)](#) and [2740\(4\)](#);
- Provide notice of any additional allegations that arise after the initial notice to the parties; and
- State the purpose of all investigative interviews with a party, with enough time for the party to prepare for the interview.

Process Options

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

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 allowed 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 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)(b).

Informal Resolution

An informal resolution is a path designed to eliminate the alleged discriminatory or harassing conduct, prevent its recurrence, and remedy its effects 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, the parties must both agree with this option. If the parties do not agree, CEEO will afford the Complainant an opportunity to either withdraw the complaint or proceed to a formal investigation as outlined in Section VI(C)(3). As outlined in Section VI(C)(1), however, CEEO reserves the right to continue the investigation in order to ensure compliance with UNM policy and related state and federal regulations.

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.

CEEEO 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, CEEEO will close the case. CEEEO 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 CEEEO determines that an informal process is not appropriate based on the severity or pervasiveness of allegations.** In those instances, CEEEO may proceed with a formal investigation, which can lead to an evidentiary hearing before a Hearing Officer. See Section VI(C)(3)(h).

Formal Investigation

The investigation is a neutral process during which CEEEO gathers evidence directly related to the allegations in the formal complaint from the parties, any witnesses they identify, any witnesses CEEEO 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 full CEEEO 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; 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.

Initial Assessment

Following receipt of a formal complaint, CEEO will engage in an initial assessment, which is meant to determine sufficiency of the complaint. During the initial assessment, the CEEO investigator will meet with the reporter to outline the CEEO formal grievance process and gather relevant information to make a jurisdiction determination. If, during the initial assessment, the available evidence shows that the matter is not within the scope of CEEO, the formal complaint will be dismissed. The parties will receive a dismissal letter outlining the justification and appeals information as outlined in the following section. A dismissal can happen at any point throughout the investigative process. If the matter falls within the scope of CEEO, notice will be sent to both parties as described in Section VI(B) and the complaint will proceed with the grievance process outlined herein.

Dismissal Letter

If at any point in the investigative process the evidence gathered indicates that no discriminatory or harassing behavior, sexual assault, domestic violence, dating violence, or stalking took place, the conduct described is not civil rights related, or does not fall within the jurisdiction of CEEO, CEEO will issue a Dismissal Letter to the parties, summarizing the evidence and its justification for dismissing the complaint. A Dismissal Letter can be issued at the beginning of the formal complaint being filed if the alleged conduct does not fall within CEEO's jurisdiction (e.g., academic dishonesty, bullying).

CEEEO will issue a dismissal in cases where the complaint is not jurisdictional to CEEEO. CEEEO will issue a Dismissal Letter, as required by Title IX of the Education Amendments of 1972, in cases that allege violation of [University Policy 2740](#) when:

- Alleged conduct does not meet the definition of sexual harassment under University Policy 2740 (which includes sexual assault, domestic violence, dating violence, and stalking);
- 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 Policy 2740, it may still proceed with a formal investigation under other applicable University policies ([UAP 2720, 2740, 3110](#)).

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

- Where a Complainant notifies CEEEO 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 a CEEO dismissal pursuant to Section X herein.

Even when it issues a Dismissal Letter, 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-closure 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 concerns including the UNM Police Department, Dean of Students, Academic Affairs, or Human Resources.

Complainant Meeting

Typically, as part of the formal investigation, CEEEO engages in an interview process with Complainant to determine the specific allegations Complainant requests CEEEO to investigate. This interview process may consist of multiple meetings, if needed. For example, the Initial Assessment meeting described in Section VI(C)(3)(a) may yield sufficient information to proceed, but that is not always the case.

During the interview, CEEEO 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, CEEEO will draft a written Confirmation of Allegations (COA) and provide it to Complainant within **two (2) business days** of the initial Complainant meeting in which they disclose the allegations. Complainant will have **two (2) business days** after receiving the COA to confirm its accuracy and then sign and return to CEEEO. When the interview process is complete, Complainant has returned the COA, and the specific allegations of policy violation(s) have been identified for investigation, CEEEO 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.

Respondent Meeting

If a formal investigation is elected, CEEEO schedules a meeting with Respondent. Prior to meeting with Respondent, CEEEO 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.

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 will conduct an investigation. As such, CEEEO has sole discretion to determine the relevance of information to the investigation. Any evidence that CEEEO finds irrelevant to the investigation will be documented in the Investigative Report for purposes of final review by the Hearing Officer.

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.

Inspection and Review Process

The parties will be provided an 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, CEEEO 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)(h) herein.

Post-Investigation Steps

At the conclusion of an investigation, CEEO will either dismiss the formal complaint pursuant to Section (VI)(C)(3)(b) or continue the investigatory process for further action if a dismissal is not warranted.

Investigative Report

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; a citation of evidence gathered that the investigator finds irrelevant; 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;
- 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 CEEEO 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 final 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 final 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 final Investigative Report will then be compiled and forwarded to the UNM Hearing Coordinator to begin the grievance [hearing process](#). Thereafter, CEEEO 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 ([UAP 2720, 2740, 3110](#)) 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.

Grievance Hearing Process

A live hearing presided over by a Hearing Officer will be held to adjudicate the formal complaint and CEEEO investigation. Upon the request of either party, the hearing may be conducted by videoconference with the parties in separate rooms, pursuant to the [University Hearing Procedure](#). 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.

OTHER MATTERS RELEVANT TO THE FORMAL GRIEVANCE PROCESS

General Statement of Investigation Timelines

CEEO attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of accepting a formal investigation (see Section VI(B)); however, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances (e.g., numerous witnesses, newly discovered evidence, new allegations). 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.

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, which includes incidents of alleged sexual assault, domestic violence, dating violence, and stalking. 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 Policy 2720](#); [University 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.

Modification of the Formal Investigation Process

CEEO 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:

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.

Hiring or Policy Challenges. CEEEO may accept a hiring or policy 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 assessment described herein. See Section IX.

Failure to Report. See Section IV(C)(1).

Advisors, Support Persons, and Union Representation

Complainants and Respondents are encouraged to bring a support person of their choice to provide guidance during the CEEEO 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 CEEEO 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 CEEEO. 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 CEEEO meeting or interview. The support person is allowed to ask questions regarding CEEEO'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 CEEEO grievance process. CEEEO 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 CEEO 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 CEEO grievance process and investigation.

Conflict of Interest and Bias

When a party alleges that there is a conflict of interest or bias that would prevent CEEO from conducting a fair, impartial, and neutral investigation, CEEO will conduct an assessment to determine whether an actual conflict or bias exists. A party's perception of a conflict or bias do not create an actual conflict or bias. An actual conflict exists where it is demonstrated that:

- The investigator has or has had a personal relationship with a party; or
- The named parties include – in good faith – the President of the University or the President's Chief of Staff, as CEEO reports directly to these individuals.
- Each CEEO staff member is trained to disclose to CEEO leadership an instance in which they have a conflict or potential bias in a complaint assigned to them. An investigator is not presumed to have a particular bias based on any of their own protected statuses, prior affiliations, or prior investigation outcomes.

The Title IX Coordinator's or CEEO's direction to proceed with a formal complaint does not create an actual conflict of interest or bias for or against a party involved in the complaint. Such a direction does not endorse or accept as true the allegations in a complaint; rather, the direction is made to ensure UNM meets its obligations under the law and/or University policy.

If a party believes that a conflict of interest or bias affected the outcome of an OEO investigation, they may appeal any CEEO or Hearing Officer determination on that basis. See Section X.

SANCTIONS AND REMEDIES

CEEEO does not have sanctioning or disciplinary authority. If the Hearing Officer's final determination is that a policy violation (which may include sexual assault, domestic violence, dating violence, and stalking) 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 or misconduct (to include sexual assault, domestic violence, dating violence, and stalking) 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 policy.

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

If the Respondent is determined to have violated [University 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.

CLIMATE ASSESSMENTS; DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS

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 CEEO receives reports of alleged violation(s) of UNM policy, including but not limited to, alleged discriminatory actions to include sexual assault, domestic violence, dating violence, or stalking, and those reports include allegations that may affect multiple individuals in one department, CEEO 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 CEEO's or the Title IX Coordinator's sole discretion when the totality of allegations in one or multiple reports 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 CEEO conduct a climate assessment. Under such circumstances, the Department stands as the Complainant in the matter. In all such cases, CEEO, 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 CEEO 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 CEEO determines jurisdiction of a climate assessment, CEEO 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. CEEO will also notify the Dean, Office of the Provost or Human Resources, or other party, as appropriate.

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

Consolidated Complaints; Cross-Claims

Where there are several complaints against a Respondent by more than one Complainant, CEEO may 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.

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.

Hearings with Multiple Complaints against One Respondent

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

APPEALS

Parties may appeal a CEEO dismissal, the determination issued by the Hearing Officer, and accompanying sanction for findings of responsibility as follows. This includes appeals by a Complainant or Respondent involved in a proceeding involving an incident of alleged sexual assault, domestic violence, dating violence, or stalking.

Appeals to the President/Health Sciences Center (HSC) Executive Vice President (EVP)

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

UNM HSC students may appeal to the EVP with a discretionary appeal to the President of the University of New Mexico. The President Appeal Form should be used for appeals sent to the President of the University of New Mexico.

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

- 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.

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

Appeals 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 or HSC Executive Vice President.

Appeals may be submitted electronically through an [online Appeals form](#) or via email to 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, CEEO 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 CEEO 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.

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 are completed. The Board of Regents has sole discretion to determine whether the appeal will be considered. Additional information on appeals to the Board of Regents can be found at <https://policy.unm.edu/regents-policies/section-1/1-5.html>.

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 need to know that information. For example, those who are responsible for determining whether UNM policies have been violated or those sanctioning individuals found to have violated UNM policy to include committing sexual assault, domestic violence, dating violence, or stalking have a legitimate need to know the factual findings made by CEEO. Those who manage the processes for appeals of CEEO 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 written request, UNM will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime of offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

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:

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;

- 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);
- 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;
- 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;
- For the purpose of implementing supportive measures pursuant to Title IX; or

- When confidentiality concerns are outweighed by UNM's obligation to protect the safety or rights of others.

CEEO 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 to include incidents of sexual assault, domestic violence, dating violence, or stalking, please refer to [University Policy 2740](#).

CEEO 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 this grievance process.

UNM ADMINISTRATIVE HEARING PROCEDURES

ARTICLE 1. INTRODUCTION

1.1 General. This document provides a standard operating procedure for formal administrative hearings. This procedure may be incorporated in another procedure by reference, either as is or with appropriate modifications consistent with the other procedure. This procedure may also be used on an ad hoc basis to handle individual situations where a University official authorized to make policy decisions for the University determines that a formal hearing is an appropriate means to resolve the issue in question or where policy otherwise mandates. In such a case, a University official will inform the parties in writing that this procedure will be followed and will specify any modifications to this procedure. Certain policies may require that a hearing will be held only after the involved parties have attempted to resolve the dispute informally.

1.2 Definitions.

1.2.1 Complainant: the person or persons filing a formal complaint pursuant to [UAP 2720, 2740, 3110](#), CEEO [Discrimination Grievance Procedure \(DGP\)](#), and any other person or persons requesting a formal hearing to review a determination of policy violation.

1.2.2 Respondent: the person responding to formal complaint filed by the Complainant, by CEEO, or the Title IX Coordinator.

1.2.3 Parties: the complainant and respondent collectively.

1.2.4 Non-participating Party: a party who does not participate in the grievance process or who is no longer affiliated with the University.

1.2.5 Departmental Investigation: a formal complaint filed by a UNM entity rather than by an individual complainant. CEEO files departmental investigations pursuant to [UAP 2720, 2740, 3110](#), [Discrimination Grievance Procedure \(DGP\)](#).

1.2.6 Individual Investigation: a formal complaint filed by a member of UNM staff in their official capacity, rather than by an individual complainant.

1.2.7 Hearing Officer: the decisionmaker appointed pursuant to policy, procedure, or by order of the Board of Regents or the President to hear the evidence presented by the parties at the hearing and to decide whether to uphold the decision being challenged or whether a policy violation has occurred.

1.2.8 Hearing Coordinator: the office or individual assigned to facilitate the hearing by providing administrative assistance to the Hearing Officer. The Hearing Coordinator has no substantive decision-making authority regarding the issues to be decided at the hearing or the outcome thereof.

1.2.9 Advisors: the designated individual assisting a party during the administrative hearing process.

1.3.0 Sanctioner: The individual or entity responsible for deciding the appropriate sanction when there is a determination that University policy has been violated. Sanctioning authority is determined by the policy that has jurisdiction over the Respondent.

1.3 Calculation of Time and Time Limits. Unless otherwise specified herein, the term “days” refers to regularly recognized University business days, and does not include weekends, holidays, or other University closures. The Hearing Officer shall extend any time limit set forth in these rules for good cause. Good cause shall include: the fact that a time limit includes finals week, periods such as vacations, holidays, or intersessions, the absence of parties, or the Hearing Office staff from the institution. Any time extension shall be communicated in writing to all parties along with a new written schedule.

1.4 Consolidation. There is a presumption that matters with the same parties and/or witnesses shall be adjudicated as separate matters. The Hearing Officer has the discretion to consolidate matters for the purpose of administrative efficiency.

1.5 Burden of Proof. The burden of proof is met when a preponderance of the evidence supports a finding of a policy violation. A preponderance of the evidence means that, based on the relevant, reliable evidence submitted, it is more likely than not that a policy violation occurred.

1.6 Decisionmaker Training. The hearing officer shall be required to complete specific training prior to the hearing. Such training will be prescribed by the CEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President. If so prescribed or ordered, the Hearing Coordinator will work with the appropriate University Department to obtain and provide the required training to the Hearing Officer prior to the hearing.

1.7 Sanctioner Training. Sanctioners shall be required to complete specific training prior to the sanctioning phase. Such training will be prescribed by CEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President.

1.8 Provision of Remedies. Remedies may be provided to a Complainant when a Respondent is found responsible for violating a University policy(ies). Any remedy must be designed to maintain the Complainant's equal access to the working/learning environment and may include the same individualized services described in the CEEO Discrimination Grievance Procedure as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies are confidential and are not included in the Respondent's sanction letter.

1.9 Accommodations for Disabilities. This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act

of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Hearing Coordinator at any point before or during the hearing process. The Hearing Coordinator shall work with University personnel including the Accessibility Resource Center (ARC), pursuant to University Administrative Policy 2310, or the ADA Coordinator or their designee to provide accommodation, as appropriate. Neither the ADA Coordinator nor ARC shall be required to provide the Hearing Coordinator, Decisionmaker, or other hearing participant the exact medical reason for the exception or accommodation.

1.10 Advisor designation/appointments. Each party must have an Advisor. A party may choose a person to serve as their Advisor or may request a University appointed Advisor at no cost by contacting the Hearing Coordinator. Parties do not have the right to self-representation for purposes of cross-examination.

A party must identify their Advisor two business days before the pre-hearing conference by contacting the Hearing Coordinator. A party must also disclose whether their Advisor is an attorney. If a party appears at the hearing without an Advisor, the hearing must be stopped as necessary to permit the University time to assign an Advisor to that party. A party cannot decline the assigned Advisor without first designating a new one.

A party may change advisors upon notice to the Hearing Coordinator; however, changing advisors within five (5) days of the hearing is strongly discouraged. If a party correctly asserts that an Advisor refuses to engage in cross-examination on the party's behalf, the University will provide an Advisor who will conduct cross-examination. If a party refuses to work with an Advisor who is willing to conduct cross-examination on the party's behalf, that party has no right to self-representation.

1.11 Advisors. Anyone may serve as an advisor. An advisor may be, but does not have to be, an attorney. A party may request that a University advisor be appointed to them free of charge. Advisors are not appointed to non-participating parties.

1.11.1 Advisor's role: The Advisor's role is to assist a party during the hearing process and to provide support during the hearing. An Advisor may also assist a party throughout the entire grievance process, as agreed upon by the Advisor and the party. Attorneys who serve as Advisors must follow the rules for Advisors. Non-appearance of a party at a hearing does not constitute a non-participating party.

The Advisor must cross-examine the other party, the other party's witnesses, and may ask all relevant questions and follow-up questions as permitted by the Hearing Officer, including questions that challenge credibility. If a party calls the other party as a witness, that witness is subject to cross-examination procedure and is questioned by the Advisor.

Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's Advisor and never by the party personally. A party's Advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Advisors shall not be allowed to answer questions posed to the parties or witnesses by the Hearing Officer or the other party's Advisor.

1.12 Party Role. The party's role is to designate an Advisor, prepare for the hearing, adhere to the proceeding timeline, ask questions of their witness/es, and otherwise fully participate in the process other than cross-examination.

1.13 Opening/Closing Statements. Only parties shall be allowed to make personal opening or closing statements at the discretion of the Hearing Officer. If the Hearing Officer allows one party this option, each party will have the same option.

1.14 Decorum. Administrative hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. As such, the University has adopted rules of decorum that prohibit any party, witness, Advisor, or Hearing Officer from questioning witnesses or parties in an abusive, intimidating, or disrespectful manner. These rules may be enforced through the removal of any participant who refuses to comply with said rules.

The rules and standards apply equally to all participants regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Advisor, Complainant, Respondent, witness, or other participant.

The following Rules of Decorum are to be observed in the hearing:

- Questions must be conveyed in a neutral tone;
- Parties and Advisors will refer to other parties, witnesses, Advisors, and institutional staff using the name and gender used by the person and shall not intentionally misname, deadname, or misgender any person in communication or questioning;
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, Advisors, or the Hearing Officer, or any other individual participating in the hearing;
- Advisors may not yell, scream, badger, or physically "lean in" to a party or witness's personal space. Advisors may not approach the other party or witnesses without first obtaining permission from the Hearing Officer;
- Advisors may not use profanity or make irrelevant personal attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question;
- Parties and Advisors may take no action at the hearing that a reasonable person would see as intended to intimidate or coerce a party, witness, Hearing Officer, or any other participant.
- 1.15 Warning and Removal Process. The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules.
- Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process. Where the Hearing Officer removes a party's Advisor, the party may select a different Advisor of their choice, or accept an Advisor provided by the University for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be

anticipated should an Advisor be removed. A party cannot serve as their own Advisor in this circumstance.

- The Hearing Officer shall document any decision to remove an Advisor in the written determination regarding responsibility.

ARTICLE 2. PREHEARING MATTERS

2.1 Notice of Hearing. Upon completion of its investigative report, the investigating entity will submit the investigative file or other relevant documentation in its entirety to the Hearing Coordinator. Upon receipt of the file, the Hearing Coordinator will schedule the date of the hearing. The Hearing Coordinator will send the parties notice of the hearing no less than ten (10) business days before the hearing date. The notice of hearing will include the following:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Burden of Proof Standard
- The time, date, and location of the pre-hearing conference (described in Section 2.2) and whether the pre-hearing conference will be held in-person or via virtual means
- The time, date, and location of the hearing, and whether the hearing will be held in-person or via virtual means
- Any technology that will be used to facilitate/record the hearing
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and parties to see and hear a party or witness answering questions. Such a request must be raised with the Hearing Coordinator at least five (5) business days prior to the hearing
- A list of all those who will attend the hearing
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer except in non-Title IX cases with a non-appearing party (see section 3.1). No inference will be drawn from the absence of a party.
- Notification that the parties may have the assistance of an Advisor at the hearing and will be required to have one present to conduct cross-examination
- Notification that if a party does not secure an Advisor of their choice, the University will appoint one free of charge
- A copy of all the materials provided to the Hearing Officer about the matter
- An invitation to contact the Hearing Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing

- Identification of which electronic devices are prohibited from being brought into the hearing

2.2 Pre-Hearing Conference. After receipt of the information specified in Section 2.3, the Hearing Officer will meet with the parties and/or their Advisors to consider clarifying or simplifying the issues to be heard by the Hearing Officer, answering any procedural questions, limiting the number of witnesses, or considering any other matters which may aid the conduct of the hearing. The Hearing Officer will also consider the submission of new, previously undiscovered evidence submitted by the parties, as described in Section 2.3.2. Unless otherwise agreed upon by both parties, pre-hearing conferences will be held separately for each party.

2.3. Preparation of Evidence.

2.3.1 All relevant evidence from the parties should have been submitted during the investigation preceding the hearing. The investigative file that is submitted to the Hearing Coordinator at the conclusion of an investigation contains the same evidence and documents that were provided to the parties during the investigation.

2.3.2 The parties may present any new, previously undiscovered evidence for use at the hearing two (2) business days prior to the pre-hearing conference, as described in Section

2.2. The Hearing Officer has sole discretion to determine whether the new evidence will be considered at the hearing. Approval of the Hearing Officer shall depend on the relevance of the document, whether the party could have obtained it earlier, the time remaining until the hearing, and the degree of prejudice to the other party.

2.3.3 All members of the University community shall cooperate with the parties' reasonable requests to provide evidence and to appear at the hearing as witnesses.

2.4 Notice Requirements for Parties. At least two (2) business days before the pre-hearing conference, each party shall provide the Hearing Coordinator with electronic copies of the following information, copies of which the Hearing Coordinator shall distribute to the other party(ies) and to the Hearing Officer:

2.4.1 A list of intended witnesses, or a statement that no witnesses will be called. If the parties present a list of intended witnesses, they shall provide a brief statement summarizing each witness' anticipated testimony. The Hearing Officer will rely on the investigative list of witnesses and their statements therein in lieu of a witness list in Departmental and Individual Investigations with a non-participating party. The Hearing Officer may place reasonable limitations on the number of witnesses, either before or after the list is submitted, but in no event more than two (2) business days prior to the hearing. The Hearing Officer may exclude witness testimony that is cumulative or irrelevant to the issue presented. No witnesses other than those on the list may testify without the consent of the Hearing Officer.

2.4.2 The name of any Advisor appearing with the party at the hearing and whether the Advisor is an attorney.

2.4.3 Electronic copies of any new, previously undiscovered evidence that the parties wish to be considered at the hearing. The Hearing Officer has sole discretion to determine whether the new evidence will be considered at the hearing.

ARTICLE 3. HEARINGS

3.1 Departmental and Individual Investigations. Where there are Departmental or Individual Investigations involving non-Title IX allegations with a non-participating party, the hearing officer may consider a non-participating party's statements if relevant; however, in all other regards, when Title IX and non-Title IX allegations are addressed together in one complaint at the same hearing, the procedures below will be used for all allegations.

The Office of Compliance, Ethics and Equal Opportunity (CEEEO) and the Title IX Coordinator shall not participate as complainants during the hearing process.

3.2 Evidence. The parties may testify, may present testimony of other witnesses, and/or introduce and explain documents and other evidence at the hearing. The Hearing Officer may exclude cumulative, unfair, or irrelevant evidence, but is not required to follow judicial rules of evidence.

3.3 Irrelevant Evidence. The Hearing Officer may exclude any evidence that is irrelevant, which includes but is not limited to:

- A complainant's prior sexual history, unless offered to prove consent with respect to respondent, or to prove that someone other than respondent committed the alleged conduct;
- Information protected by a legally recognized privilege cannot be used (i.e., attorney-client privilege);
- Statements not subject to cross-examination
- Duplicative evidence; and
- Parties' HIPAA-protected treatment records unless a party gives written consent.

3.4 Determination of a Question as Relevant. Before a party or witness answers a cross-examination or other question, the Hearing Officer must first determine if the question is relevant and explain any decision to exclude a question as irrelevant.

3.5 Order of Evidence. The Hearing Officer may, pursuant to Section 2.3, determine the order of evidence. The Hearing Officer may ask questions any time during the hearing.

3.6 Witnesses. The parties may present the testimony of witnesses in support of their case. The parties are responsible for ensuring that their witnesses appear to testify at a hearing. The parties 8

and the Hearing Officer shall have the right, within reasonable limits set by the Hearing Officer, to question the parties and all witnesses who testify orally. The Hearing Officer will require all witnesses to affirm the truth of the testimony they present. Witnesses are allowed in the hearing room for their testimony only.

3.7 Modified examinations. Reasonable limits may include any modifications the Hearing Officer deems appropriate under the circumstances, including but not limited to allowing a party or witness to testify

remotely. Requests for modifications to the method a party's or witness' testimony is elicited or presented must be included in the witness list submitted by the party seeking the modification pursuant to Section 2.4.1.

3.8 Record of Hearing. The Hearing Coordinator shall make a digital audio recording of the proceedings. The parties may request a copy of the recording. Such requests shall be made to the Hearing Coordinator. The Hearing Coordinator shall provide the party with a digital copy of the recording.

The record of the hearing shall consist of the digital recording and an electronic copy of all documents introduced as evidence. The record shall be kept by the University for ten (10) years after all appeals have been concluded or after the time for appeal has expired, whichever comes first.

3.9 Written Argument. After hearing the evidence, the parties have the option of submitting written arguments to the Hearing Officer. Parties must submit their arguments to the Hearing Coordinator no later than two (2) business days following the hearing.

3.10 Closing the Hearing. No new evidence may be submitted after the hearing, except for the parties' written arguments, if they choose. The hearing is deemed fully and finally closed for purposes of appeal pursuant to Section 4.0 herein upon the issuance of the Hearing Officer's determination, unless the Hearing Officer expressly leaves the proceedings open pending some later action to be taken by the Hearing Officer, a party, or another person or entity specifically identified in the Hearing Officer's express instruction that the hearing remain open pending the later action occurring.

3.11 Sanctioner. Sanctioners will work with the Hearing Officer to include an appropriate sanctioning determination in the final report. The sanctioner may attend the hearing or review the hearing record, to issue the proposed discipline contemporaneous to the finding.

3.12 Remedies. After a finding of responsibility by the Respondent, OEO or the Title IX Coordinator may provide remedies to the Complainant in adjudications involving UAP 2740. Remedies are confidential and will be provided only to Complainant, and their Advisor if given permission by the Complainant.

3.13 Closed Hearings. All administrative hearings shall be closed to the public and the media.

ARTICLE 4. APPEALS

4.0 Appeal. No appeal of the Hearing Officer's decision may be taken until the hearing is fully and finally closed as provided in Section 3.10 herein. Any subsequent appeal must be submitted pursuant to the timelines provided in the policy, procedure, or order authorizing the appeal.

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