



The University of New Mexico Health Sciences Rio Rancho **2026 Annual Security Report**

Crime Statistics for Calendar Years 2025, 2024, and 2023 and
Policy Statements for the 2026-2027 Academic Year



Prepared by the UNM Office of Compliance, Ethics & Equal Opportunity in compliance with the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act and University Administrative Policy (UAP) 2745: Clery Act Disclosures and Programs

October 1, 2026

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Health Sciences Rio Rancho
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REMEMBERING CONNIE CLERY

Some people mistake “Clery” for an acronym. Others know it as the name of a federal law without knowing the family behind it. At the University of New Mexico (UNM), we want everyone who encounters our Clery Act program to know what that name represents: Jeanne Clery’s life, her family’s loss, and the changes her parents fought to make for students across the country.

Jeanne was 19 years old when she was raped and murdered in her residence hall room at Lehigh University in 1986. In the aftermath, her parents, **Connie** and Howard Clery, learned how difficult it could be for students and families to obtain information about crime on a college campus. They founded what is now the Clery Center and pressed for greater transparency, accountability, and support for victims. Their advocacy helped bring about the federal law that bears Jeanne’s name.

Connie spent decades bringing people together to make campuses safer while reminding them that Jeanne was a person, deeply loved and deeply missed. She passed away peacefully on June 23, 2026, at the age of 95.

We honor Connie’s legacy by remembering Jeanne and carrying forward the purpose that guided her family’s work. At UNM, that means remaining transparent, listening when concerns are raised, and working together to make this a place where every Lobo can feel safe and thrive.



Francie Córdova, JD
Chief Compliance Officer



Adrienne Helms
Clery Coordinator



OFFICE OF
COMPLIANCE, ETHICS
& EQUAL OPPORTUNITY



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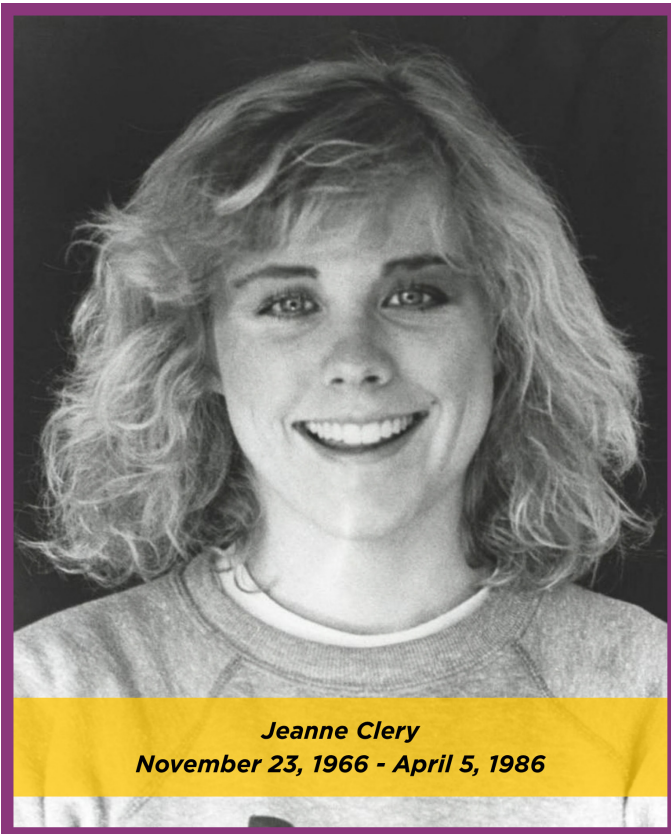
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INTRODUCTION

THE JEANNE CLERY CAMPUS SAFETY ACT

In 1990, Congress passed the **Crime Awareness and Campus Security Act (CACSA)** amendments to the Higher Education Act of 1965 (HEA) after the tragic 1986 murder of Jeanne Clery at Lehigh University. CACSA requires colleges and universities receiving federal student aid to establish and disclose campus security policies and to inform students and employees of crime at their respective institutions. As a homage to Jeanne, Congress renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics in 1998.



Years later, In the wake of the tragic 2007 shooting at Virginia Tech, the U.S. Department of Education passed the **2008 Higher Education Opportunity Act (HEOA)**, which reauthorized and amended the 1965 HEA. The HEOA expanded emergency response and notification provisions, hate crime reporting, whistle blower protections, and annual Department of Education reporting on Clery Act compliance.

The Violence Against Women Act (VAWA) Reauthorization Act of 2013 was the next legislation to make significant additions to the law, requiring extensive programming to prevention dating violence, domestic violence, sexual assault, reporting, and establishing policies and processes for institutional response when one of these crimes is reported to the University.

Most recently, the **Stop Campus Hazing Act (SCHA)** passed in 2024 and introduced requirements around prevention programming, reporting, and institutional policy related to hazing. It also renamed the law, the **Jeanne Clery Campus Safety Act**, or simply, the **Clery Act**.

University Administrative Policy (UAP) 2745: Clery Act Disclosures and Programs dictates UNM's compliance functions related to the Clery Act.

ABOUT CEEO

The UNM **Office of Compliance, Ethics & Equal Opportunity (CEEEO)** supports University compliance efforts to act in accordance with our deepest held values and ethics including equal opportunity, inclusion, diversity, safety, integrity, security, and privacy. We support UNM values by listening to and responding to claims of discrimination and sexual misconduct, enabling supportive measures to the UNM community, collecting and reporting data to promote transparency and safety initiatives, facilitating workplace accommodations, and acting as a resource for the campus to act in accordance with laws and University policies.

CEEEO's programs include:

- Clery Act Compliance
- ADA and Accessibility
- Discrimination and Equal Opportunity
- Title IX and Sexual Misconduct
- Ethics and Compliance
- Minors on Campus
- Pregnancy and Parenting Support
- Limited English Proficiency

INTRODUCTION, ETC.



ABOUT THE ASR

A core requirement of the Clery Act is the Annual Security Report (ASR), which is intended to paint a straightforward picture of what crime and life are like at UNM. It does so by outlining the policies and procedures we have in place to help keep our students, staff, faculty, guests, and campus safe, in addition to disclosing statistics on reports of crime. This information allows current and prospective students and employees of the University to make more informed decisions about whether to work, live, or study at our institution.

Currently, UNM Health Sciences Rio Rancho does not offer on-campus student housing facilities. For that reason, certain disclosures such as missing student information and security and access to on-campus student housing facilities are not applicable, and there is no Annual Fire Safety Report (AFSR) accompanying this Report.

HOW UNM PREPARES THE ASR

The Clery Coordinator within **CEEEO** stays up to date on new initiatives and compliance information pertaining to the ASR and prepares the Report each year for the Health Sciences Rio Rancho Campus. Various departments support the development of the ASR by providing content the law requires, such as policy statements and crime reports. They include but are not limited to the UNM Police Department, the Dean of Students Office, and UNM Hospitals, in addition to individuals such as the Title IX Coordinator and employees designated as Campus Security Authorities (CSAs) pursuant to UAP 2745.

WHERE TO OBTAIN ADDITIONAL INFORMATION ABOUT THIS REPORT

Anyone who would like additional information about, or assistance with, this Annual Security Report is encouraged to contact the UNM Office of Compliance, Ethics & Equal Opportunity.

UNM Office of Compliance, Ethics & Equal Opportunity (CEEEO)

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1 | CAMPUS LAW ENFORCEMENT AND NONSWORN SECURITY

1.1 UNM HOSPITALS SECURITY

UNM Hospitals (UNMH) maintains a proprietary Security Department that

- Monitors and responds to security systems,
- Patrols the Hospital buildings and property on a consistent basis, patrols all security-sensitive areas as defined by security assessment,
- Identifies and documents potential or actual problems,
- Takes appropriate and timely action to prevent crime, injury, or property loss,
- Provides timely response to emergencies and requests for assistance, and
- Helps restrain violent or aggressive patients or visitors.

The Sandoval Regional Medical Center's (SRMC) Security team, which is part of the UNMH Security Department, is responsible for patrolling the Health Sciences Rio Rancho Campus, including the Health Sciences building located adjacent to the Medical Center.

UNMH Security Officers also provide timely response to reports of violent activity or requests for assistance from members of UNMH and the Health Sciences Center community and can be distinguished by their black uniforms and Hospital Security patches.

UNM Hospitals Security

Sandoval Regional Medical Center
505-994-4224
3001 Broadmoor Blvd NE
Rio Rancho, NM 87144

UNMH SECURITY'S AUTHORITY AND JURISDICTION

UNMH Security Officers are not sworn peace officers and do not hold special privileges under the law. UNMH does recognize that Security Officers in the course of their duties may have the need to detain an individual for law enforcement prior to their arrival. UNM Hospital Security Officers may act as private citizens holding that a private citizen may arrest another person for breach of peace

or a felony committed in the citizen's presence. UNMH Security's jurisdiction includes all properties that UNM Hospitals leases or owns.

UNMH SECURITY'S WORKING RELATIONSHIP WITH STATE AND LOCAL POLICE

The [Rio Rancho Police Department \(RRPD\)](#) has primary jurisdiction with the authority to make arrests, enforce laws, and investigate crimes on campus.

UNMH Security Officers collaborate with external state and local police agencies with arrest authority and jurisdiction. Specifically, UNMH Security has a written agreement with RRPD to provide response to any requests for police services and/or reports of emergencies or criminal activities. The UNM Police Department on Main Campus also has a written agreement in place with the Rio Rancho Police Department to allow for efficient communication during incidents that require police response and the investigation of crimes at Health Sciences Rio Rancho.



2 | EMERGENCIES ON CAMPUS

2.1 PERSONAL PREPAREDNESS

Developing safety habits is the best way to reduce your risk and make sure you are prepared for any emergency.

KNOW YOUR SURROUNDINGS.

- Stay alert.
- Identify potential hazards.
- Familiarize yourself with evacuation plans and the locations of nearby fire alarms, blue light phones, and exits at locations you frequent.

HAVE A PLAN.

Run through possible "What if?" scenarios in your head and ask yourself,

- What will I do?
- Where should I go?
- Will I have anyone else with me, like a pet or child?
- Who should I call?

Make a conscious effort to do this every time you enter a new environment, visualizing yourself getting to safety every time.

HAVE AN EMERGENCY PREPAREDNESS KIT.

Acquire necessary items to sustain yourself along with any pets or family members you may have. Being prepared with necessities like food, water, medicines, identification,



cash, and a telephone will enable you to have an effective response. [Ready.gov's Build a Kit](#) website has tips for building your basic disaster supplies kit, along with plenty of other tips and resources to help you plan for an emergency.

DOWNLOAD THE UNM SAFE APP.

The **UNM Safe** app is UNM's newest safety tool, replacing the Rave Guardian app with an enhanced user experience.



Once logged into the app using your NetID, students and employees can access all available features:

- **Friend Walk*:** Send your location in real time to a friend or parent so they can watch you as you walk to your destination. Your friend doesn't need the app.
- **Report a Tip*:** Submit online police report or text non-emergency information (e.g. vandalism) to UNMPD.
- **Safety Toolbox:** Easy access to the UNM Police Website, ability to chat anonymously with dispatch, and the ability to let someone know you're safe following an incident.
- **Campus Maps:** Find buildings, landmarks, AEDs, and emergency BlueLight phones, track UNM and City of Albuquerque buses, and more.
- **Support Resources:** Get connected to academic advisement, and physical and mental health support services.

***Enable location services in the app and on your phone to share your location in real time in case of an emergency.**



Available for iOS and Android

2 | EMERGENCIES ON CAMPUS, CONT.

2.2 HOW UNM HEALTH SCIENCES RIO RANCHO PREPARES FOR AN EMERGENCY

UNM Crisis Management and Preparedness (CMP) is responsible for assisting with and coordinating the University's overarching mitigation, preparedness, response, and recovery programs. To meet this obligation, it 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 and the on-site Emergency Management Coordinator.

In addition to posting emergency response information for Main Campus on its website, pamphlets and brochures with the same information are available at UNMH Security Office in Rio Rancho.

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 is implemented when the University or the surrounding community has been subjected to an incident that exceeds, or has a negative impact on, the resources normally available.

UNMH's Emergency Management Coordinator 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.

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 Chief of Police or their designee will notify the appropriate individuals listed in the EOP.

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

FIRE ALARMS PROCESSES

Fire systems are tested at least four times a year on the Rio Rancho campus and conducted in tandem with fire evacuation drills.

PUBLICIZING EMERGENCY RESPONSE AND EVACUATION DRILLS

Drills on the Rio Rancho Campus are announced in advance. These exercises are advertised in advance, as they tend to affect the surrounding community, and are publicized in conjunction with emergency response and evacuation procedures.

DOCUMENTATION

The Rave LoboAlerts platform maintains documentation for each semesterly test, which includes the date and time of the exercise and how many individuals were reached.

SRMC Environmental Health and Safety is responsible for conducting and retaining records related to drills at the Rio Rancho campus and maintains documentation of each exercise with a description of the scenario and its activation, the date and time it took place, who attended, outcomes, and whether it was announced or unannounced.

2 | EMERGENCIES ON CAMPUS, CONT.

2.3 EMERGENCY DECLARATION AND IMMEDIATE RESPONSE

If UNMPD or UNMH Security determines that the situation may become an incident, it will notify the Senior Vice President for Finance and Administration or their 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 Chief of Police or their designee will notify the appropriate individuals listed in the EOP.

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.

2.4 IN THE EVENT OF AN EMERGENCY

Individuals who encounter an emergency situation should take immediate steps to protect themselves, notify nearby endangered people, and call for help.

HOW TO REPORT AN EMERGENCY ON CAMPUS

Anyone experiencing or witnessing an emergency on the Health Sciences Rio Rancho Campus should dial 9-1-1 for the Rio Rancho Police Department. RRPD Officers are available to respond to emergencies 24 hours a day, seven days a week, 365 days a year.

9-1-1 calls made from a cell phone go straight to the **Public Safety Emergency Communications Center of Sandoval County (PSECC)**, which replaced the Sandoval County

Regional Emergency Communications Center (SCRECC) in July 2025. Calls are quickly transferred to RRPD Dispatch if they learn the incident is occurring within Rio Rancho. The 911 system automatically traces the location of all incoming calls, which enables officers to respond even when a caller cannot provide their location.

UNM encourages all members of the campus community to store RRPD's and UNMH Security's numbers as contacts in their mobile phones to have them readily available in the event of an emergency. Students, employees, and visitors on-site may also notify Campus Operations staff about an emergency or criminal situation. Staff have direct contact with UNMH Security over radio communications.

Rio Rancho Police Department (RRPD)

505-891-7226

UNM Hospitals Security

505-994-7755

UNM Health Sciences Operations

505-994-5000



2 | EMERGENCIES ON CAMPUS, CONT.

BLUE LIGHT EMERGENCY PHONES

The blue light emergency telephone located within the parking area of the UNM Health Sciences Rio Rancho Campus is a direct emergency line to the UNMH Security Office. Anyone experiencing or witnessing any emergency (e.g., criminal activity, fire, or medical crisis) can activate this phone by pressing the red button on the tower. A Security Officer will answer the telephone promptly and communicate with the individual through the telephone's speaker. The blue light over the 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 UNMH Security and are not capable of making other calls. They are designated for emergency use only and labeled accordingly.

Inside the Health Sciences building, there is an emergency button in the entrance lobby that performs the same function as a blue light emergency phone, with an intercom that allows two-way communication between the caller and Security personnel.

TURN YOUR SMARTPHONE INTO A BLUE LIGHT EMERGENCY PHONE

The UNM Safe app has a feature called **Mobile BlueLight**, which allows you to place an emergency call straight to UNMPD from anywhere while it shares your real-time location with responders after you enable location services.

2.5 EMERGENCY NOTIFICATIONS (LOBO ALERTS)

LOBO ALERTS TO THE CAMPUS COMMUNITY

UNM Health Sciences Rio Rancho will immediately notify its respective campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on its campus.

An emergency or dangerous situation may or may not involve a crime. Examples include:

- Shots fired

- Extreme weather conditions
- Armed intruder
- Suspect with a deadly weapon on or near campus
- Fire
- Gas leak
- Terrorist incident
- Bomb threat
- Explosion
- Hazardous material spill
- Health-related outbreak
- Broad and credible threat of violence

In addition to following its emergency response procedures outlined in **UAP 6130: Emergency Control**, Health Sciences campus will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate its notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

HSC Operations is responsible for confirming an emergency on campus using layers of information gathering to determine the validity and/or imminence of the threat. An emergency or dangerous situation is "confirmed" when an HSC Operations official has verified it to be legitimate but does not always mean that HSC Operations has or is able to obtain all pertinent details related to the threat.

HSC Operations relies on internal and/or external sources depending on the scale of the emergency and gather information through, radio communications, telephone, email, word of mouth, or a combination of any of these methods depending on the situation. HSC Operations may use information it receives from a reputable agency, such as a government agency, external public safety agency, or environmental intelligence agency; a Security Officer or University official on scene who can verify the threat; and/or multiple calls for service related to the same threat in order to confirm an emergency exists.

Upon the confirmation of a significant emergency or

2 | EMERGENCIES ON CAMPUS, CONT.

dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, HSC Operations will then activate the emergency notification system by notifying the Operations Director, who is responsible for determining the segment of the population and determining the messages' content.

The decision to send a Lobo Alert to a specific segment or segments of campus is based on how contained the threat is and who is most likely to be impacted and may change depending on how the situation evolves.

When crafting the wording of the Lobo Alert, HSC Operations relies on a predetermined template that provides for the nature of the threat, how much can be confirmed, and instructions to follow during and following the emergency until the threat subsides. Notifications can include but are not limited to instructions that dormitories or other campus buildings must be secured, that individuals shelter in place, evacuate, or relocate, or that campus is closed altogether. If, during the emergency, an Emergency Operations Center is activated, HSC Operations may collaborate with officials in the EOC to craft messaging around broader campus needs throughout the duration of the emergency, such as campus access and transportation.

Once the incident has been resolved, a final Lobo Alert will be sent out to update the incident status and provide further directions as needed. Depending on the available information, the initial message may also inform people of where the incident is occurring. If no specific location is provided, the entire campus should be considered the area at risk.

Communication, including the use of cell phones, land line phones, and the internet, of a non-emergency nature, should be kept to a minimum during the event.

UNM Health Sciences is not required to issue a timely warning as described based on the same circumstances for which it follows its emergency notification procedures. However, the University will provide adequate follow-up information to the community as needed.

METHODS OF LOBO ALERT DISTRIBUTION

Depending on the scale and location of the emergency, HSC Operations uses one or more of the following methods to distribute Lobo Alerts to the campus community.

- Lobo Alert text messages
- UNM email
- UNM website banner
- Campus-wide flyers
- UNM SAFE app
- Digital signage
- Word of mouth

ENROLLING IN LOBO ALERTS

All faculty, staff and students are automatically opted into Lobo Alerts. If a student did not provide a cell phone number on their application or changes their cell phone number and would like to receive the text message alerts, they can update their information by going to loboalerts.unm.edu.

Parents, community members, and other non-UNM individuals can opt in to the UNM LoboAlerts system to receive text notifications and emergency communications by email and/or SMS text messages. To sign up, click on the "Register" button at www.getrave.com/login/unmcommunity and follow the on-screen directions.

NOTIFICATION TO THE LARGER COMMUNITY

HSC Operations and communications officials will notify, as appropriate, the local news media and social media to help keep the larger community informed in the event of an emergency.

Using the same procedures by which it issues information to the campus community, UNM Health Sciences will issue Lobo Alerts to community members who are signed up to receive them.

2 | EMERGENCIES ON CAMPUS, CONT.

WHAT TO DO WHEN YOU RECEIVE A LOBO ALERT

When you receive a Lobo Alert emergency notification, it will provide direction on what to do based on what type of emergency there is.

In some instances, it might be safer to stay where you are, or **shelter in place**, and wait for further instructions. Shelter-in-place orders are usually given to protect people from moving into an area where they could encounter danger. Do the following if you are told to shelter in place.

1. Lock or secure the door.
2. Move away and stay away from windows and glass.
3. If it is safe to do so, check for text alerts, emails, UNM webpage notifications, or local news media for updates and further instructions.
4. Unless you need immediate assistance or are trapped, do not call 911 or the UNM Police Department for information.
5. Stay calm until emergency personnel find you or you are given an official "all clear" from UNM that it is okay to leave your location.

If you are told to **evacuate** your location:

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

UNM's [Emergency Preparedness Flip Chart](#) contains more information on how to respond in emergency such as a fire, severe weather, or hazardous materials.



3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS

UNM's annual disclosure of Clery Act crime statistics is made up of reports of certain crimes within certain physical locations that are made to the University. The Clery Coordinator and UNMPD evaluate each report of crime to determine whether it meets certain criteria. Reports that meet all of the following three conditions are included in the annual statistics:

1. The incident meets the definition of a Clery Act-reportable offense,
2. The incident occurred within UNM's Clery Act geography, and
3. The incident was reported to a Campus Security Authority (CSA).

3.1 CLERY ACT-REPORTABLE OFFENSES

Clery Act-reportable offenses are organized into six main categories: primary offenses, hate crimes, Violence Against Women Act (VAWA) offenses, arrests and referrals for disciplinary action, hazing, and unfounded crimes. The definitions of Clery Act crimes are derived from federal sources and do not always align with New Mexico state law. Attempts for all crimes listed are included, and one incident may involve multiple offenses.

PRIMARY OFFENSES

The definitions of primary offenses come from the FBI's Uniform Crime Reporting (UCR) Program **Summary Reporting System (SRS) User Manual** and **National Incident-Based Reporting System User Manual (NIBRS) User Manual**.

- **Murder/Non-negligent Manslaughter.** The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence.** The killing of another person through gross 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, without the consent of the victim.

- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law



- **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent. (*In New Mexico, the age of consent is 16.*)
- **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.

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

- **Aggravated Assault.** An unlawful 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.
- **Burglary.** The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle. For the purposes of this definition,



a “motor vehicle” is any self-propelled vehicle that runs on land surface and not on rails, for example, sport utility vehicles, automobiles, trucks, buses, motorcycles, mopeds, electric scooters, electric bikes, all-terrain vehicles, and snowmobiles. This category does not include farm equipment, bulldozers, airplanes, construction equipment, or water craft (motorboats, sailboats, houseboats, or jet skis).

- **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.

HATE CRIMES

A hate crime is any criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of Clery, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The definitions of hate crimes come from the FBI’s **Uniform Crime Reporting (UCR) Program Hate Crime Data Collection Guidelines and Training Manual**.

- **Any of the offenses listed in the primary offenses category above.**
- **Larceny-theft.** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Intimidation.** To unlawfully place 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.
- **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.
- **Destruction/Damage/Vandalism to Property.** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

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.

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

The definitions of VAWA offenses come from the [Violence Against Women Act \(VAWA\) of 1994](#). VAWA offenses are not limited to those targeted at women.

- **Domestic Violence.** A felony or misdemeanor crime of violence committed —
 - ❑ 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;
 - ❑ 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.
- **Dating Violence.** Violence committed by a person

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

For the purposes of this definition—

- ☐ "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ☐ "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
- ☐ "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

The definitions of arrests and referrals come from the FBI's [Uniform Crime Reporting \(UCR\) Program Summary Reporting System \(SRS\) User Manual](#).

An "**arrest**" for Clery Act purposes is defined as persons processed by arrest, citation, or summons for violating any of the weapons, drugs, or liquor laws defined below.

A "**referral for disciplinary action**" is defined for Clery Act purposes as the referral of any person to any official

who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction as a result of violating any of the weapons, drugs, or liquor laws defined below. A finding of responsibility is not required for a report to be classified as a referral for disciplinary action.

- **Weapons Law Violation.** The violation of laws or ordinances prohibiting the manufacture, sale, purchasing, transportation, possession, concealment, or use of firearms, or deadly weapons; cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.
- **Drug Abuse Violation.** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and or/use. 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. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics— manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
- **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. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., maintaining unlawful

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.

HAZING

The definition of hazing comes from the [Stop Campus Hazing Act \(SCHA\)](#).

- **Hazing.** Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
 - whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - causing, coercing, or otherwise inducing another person to perform sexual acts;
 - any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and

- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The annual disclosure of hazing statistics began in calendar year 2025.

UNFOUNDED CRIMES

An unfounded crime is a reported crime that, upon investigation by law enforcement authorities, is found to be false or baseless. Only sworn or commissioned law enforcement personnel may unfound a crime. The recovery of stolen property, the low value of stolen property, the refusal of a victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

3.2 CLERY ACT GEOGRAPHY

Clery Act geography is made up of three property categories: “on campus”, “noncampus”, and “public property”.

ON CAMPUS

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 HSRR's academic

UNM Health Sciences Rio Rancho

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

building, Sandoval Regional Medical Center, administrative offices, and the Broadmoor Senior Center.

On-Campus Student Housing

As noted in the Introduction, UNM's Health Sciences Rio Rancho campus does not currently offer on-campus student housing facilities.

NONCAMPUS

Noncampus 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,
- Frequently used by students, and
- Not within the same reasonably contiguous geographic area of campus.

Examples of noncampus locations include places where UNM regularly offers off-campus courses, certain Greek

houses, off-campus research facilities, UNM-owned housing for medical students attending off-campus programs, and off-site venues where UNM students stay or study for more than one night or on a recurring basis.

PUBLIC PROPERTY

For the purposes of Clery Act crime reporting, public property is considered any property that is situated within the same reasonably contiguous geographic area of, within, or adjacent to the UNM campus that is

- 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 are Broadmoor Blvd NE between the Broadmoor Senior Center and Paseo del Volcan Blvd NE and Center Blvd NE, as well as the sidewalks and bus stops on either side.



3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

3.3 HOW UNM HEALTH SCIENCES RIO RANCHO COLLECTS CLERY ACT CRIME STATISTICS

REPORTS FROM UNMH SECURITY

UNM Hospitals Security provides Clery Act-reportable crime reports they receive directly to the Clery Coordinator on a rolling basis.

REPORTS FROM EXTERNAL LAW ENFORCEMENT AGENCIES

To gather information on incidents occurring on noncampus Clery geography properties within the City of Rio Rancho and elsewhere, the Clery Coordinator conducts direct outreach to the local law enforcement agencies that have jurisdiction over the locations where the University controls space by some sort of written agreement. The Clery Coordinator makes a good-faith effort to obtain the statistics by requesting them, in writing, from such law enforcement agencies. The Clery Coordinator relies on the information obtained from these sources but is not responsible if the information provided is inaccurate or omitted altogether.

The Clery Coordinator also makes a good-faith effort to gather information about crime reports made at properties within UNM's public property Clery geography from the Rio Rancho Police Department. The Clery Coordinator relies on the information obtained from RRPD but is not responsible if the information provided is inaccurate or omitted altogether.

REPORTS FROM CAMPUS SECURITY AUTHORITIES (CSAS) AT UNM

As required by the Clery Act, UNM designates certain employees as "[Campus Security Authorities](#)," or "CSAs." CSAs have an obligation to report any crimes that are reported directly to them or that they personally witness to the UNM Police Department (UNMPD) and/or the Clery Coordinator in a manner that is accurate and prompt. Timely CSA reports help the University meet our obligations under the Clery Act as well as other areas of compliance, such as Title IX.

CSAs are responsible for providing information to the Clery Coordinator about Clery Act crimes reported to them or that they personally witness within a timely and accurate manner for the purposes of annual crime statistics disclosures, the daily crime log, and timely warning. In addition to receiving their reports on a rolling basis, the Clery Coordinator surveys CSAs on an annual basis prior to finalizing the annual crime statistics to give them an additional opportunity to submit any Clery Act crimes that were reported to them during the previous calendar year. CSAs must complete and return the survey form as directed.

The CSA's role is never to investigate crimes, detain subjects, or substantiate a report of a crime.

CSAs fall into one or more of four categories:

1. Members of UNMH Security.
2. Individuals responsible for security functions on campus, such as monitoring access into a UNM building, but that are not members of UNMH Security.
3. Individuals and organizations specified in Section 4 as designated places to which students and employees should report crimes.
4. University officials who have significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.

As a general rule, faculty members are not considered CSAs. However, CEEO does designate faculty members who lead student trips or sponsor student groups as CSAs.

Individuals acting in a pastoral and clinical counselor capacity are exempt from CSA designation. Currently, UNM does not have any specific procedures in place to encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, these individuals receive training on how to provide victims of sexual assault, domestic violence, dating violence, and stalking with the [Survivor's Guide to Rights & Options at UNM](#) which outlines various options for reporting.

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

3.4 CLERY ACT CRIME STATISTICS: CALENDAR YEAR (CY) 2025

Primary Offenses	On Campus	Noncampus	Public Property	Total
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Violence Against Women (VAWA) Offenses	On Campus	Noncampus	Public Property	Total
Domestic Violence	2	0	0	2
Dating Violence	0	0	0	0
Stalking	1	0	0	1
Arrests and Referrals for Disciplinary Referrals	On Campus	Noncampus	Public Property	Total
Arrests for Weapons Law Violations	0	0	0	0
Arrests for Drug Abuse Violations	0	0	0	0
Arrests for Liquor Law Violations	0	0	0	0
Disciplinary Referrals for Weapons Law Violations	0	0	0	0
Disciplinary Referrals for Drug Abuse Violations	0	0	0	0
Disciplinary Referrals for Liquor Law Violations	0	0	0	0

Hate Crimes

During CY 2025, there were no hate crimes reported.

Hazing

During CY 2025, there were no reports of hazing during CY 2025.

Unfounded Crimes

During CY 2025, there were no Clery Act-reportable crimes unfounded in CY 2025.

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

3.5 CLERY ACT CRIME STATISTICS: CY 2024

Primary Offenses	On Campus	Noncampus	Public Property	Total
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	1	0	0	1
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	3	0	0	3
Burglary	0	0	0	0
Motor Vehicle Theft	1	0	0	1
Arson	0	0	0	0
Violence Against Women (VAWA) Offenses	On Campus	Noncampus	Public Property	Total
Domestic Violence	1	0	0	1
Dating Violence	0	0	0	0
Stalking	0	0	0	0
Arrests and Referrals for Disciplinary Referrals	On Campus	Noncampus	Public Property	Total
Arrests for Weapons Law Violations	0	0	0	0
Arrests for Drug Abuse Violations	1	0	0	1
Arrests for Liquor Law Violations	0	0	0	0
Disciplinary Referrals for Weapons Law Violations	0	0	0	0
Disciplinary Referrals for Drug Abuse Violations	0	0	0	0
Disciplinary Referrals for Liquor Law Violations	0	0	0	0

Hate Crimes

During CY 2024, there were no hate crimes reported.

Hazing

N/A

Unfounded Crimes

During CY 2024, there were no Clery Act-reportable crimes unfounded in CY 2025.

3 | ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS, CONT.

3.6 CLERY ACT CRIME STATISTICS: CY 2023

Primary Offenses	On Campus	Noncampus	Public Property	Total
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	1	0	0	1
Arson	0	0	0	0
Violence Against Women (VAWA) Offenses	On Campus	Noncampus	Public Property	Total
Domestic Violence	1	0	0	1
Dating Violence	0	0	0	0
Stalking	1	0	0	1
Arrests and Referrals for Disciplinary Referrals	On Campus	Noncampus	Public Property	Total
Arrests for Weapons Law Violations	0	0	0	0
Arrests for Drug Abuse Violations	0	0	0	0
Arrests for Liquor Law Violations	0	0	0	0
Disciplinary Referrals for Weapons Law Violations	0	0	0	0
Disciplinary Referrals for Drug Abuse Violations	0	0	0	0
Disciplinary Referrals for Liquor Law Violations	0	0	0	0

Hate Crimes

During CY 2023, there were no hate crimes reported.

Hazing

N/A

Unfounded Crimes

During CY 2023, there were no Clery Act-reportable crimes unfounded in CY 2025.

4 | CRIME REPORTING AND TIMELY WARNINGS

4.1 HOW TO REPORT CRIMINAL ACTIVITY

LOCAL LAW ENFORCEMENT

In addition to reporting crimes to aid in the safety and wellbeing of the community, UNM Health Sciences encourages accurate and prompt reporting of all crimes to the Rio Rancho Police Department or other local law enforcement agency when the victim of a crime elects to, or is unable to, make such a report.

OFFICIALLY DESIGNATED REPORTING SITES

In the event someone does not wish to report to law enforcement, the following list of offices are designated as "preferred receivers of crime reports" at the University. Students and employees can and should report crimes to one of these areas for resources, timely warning reports, daily crime log entries, and UNM's annual statistical disclosure, or to obtain assistance in reporting to law enforcement.

UNM Hospitals (UNMH) Security

3001 Broadmoor Blvd NE
Rio Rancho, NM 87144
505-994-4224

HSRR Operations

505-994-5000
healthsciences.riorancho@salud.unm.edu
2600 College Blvd NE
Rio Rancho, NM 87144

*Dr. Laura L. Burton, Director of HSC Operations
Rio Rancho Campus
505-994-5064 | lauraburton@salud.unm.edu*

*Laura Obregon, Operations Manager, Facilities
505-272-4223 | lobregon@salud.unm.edu*

*Nicole Baca-Montaño, Unit Administrator I
505-272-5074 | nibacamontano@salud.unm.edu*

Office of Compliance, Ethics & Equal Opportunity (CEEEO)

505-277-5251
ceeo@unm.edu
609 Buena Vista Rd NE (Bldg 42)
Albuquerque, NM 87131

4.2 REPORTING CRIMES ON A VOLUNTARY, CONFIDENTIAL BASIS

The following list contains information about where someone can make a report of a crime or other misconduct voluntarily, confidentially, and anonymously. When information about a crime is received through these avenues, the Clery Coordinator is made aware and uses the information the reporter provides to determine whether it meets the criteria for including it as a Clery Act-reportable crime in UNM's annual statistics or in a timely warning.

EthicsPoint Online Report Form

- [Online Report Form](#)
- 24/7 Compliance hotline: 1-888-899-6092

UNM Safe App

Submit online police report or text non-emergency information (e.g. vandalism) to UNMPD. Students and employees can also report an anonymous tip to UNMPD by making a police report or texting non-emergency information to Dispatch using the Report a Tip feature on the [UNM Safe app](#). To access the application, search and download the UNM Safe application in the [Apple App Store](#) or the [Google Play](#) app store.

4.3 MONITORING AND REPORTING OF CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS

UNM Health Sciences Rio Rancho does not have any noncampus locations controlled by an officially recognized student organization.

4.4 TIMELY WARNING OF CRIME REPORTS

LOBO ADVISORIES TO THE CAMPUS COMMUNITY

When a Clery Act crime occurring within UNM's Health Sciences Rio Rancho's Clery Act geography reported to a Campus Security Authority poses a serious or continuing threat, the impacted campus will issue a warning (**Lobo Advisory**) to students and employees in a manner that is

4 | CRIME REPORTING AND TIMELY WARNINGS, CONT.

timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Any individual who receives a report and determines through a preliminary assessment that there is potential need for a warning should notify HSC Operations to initiate the Lobo Advisory process.

HSC Operations determines whether there is a “serious or continuing threat” to students and employees by using a predetermined decision-making matrix specifically designed to help the issuer evaluate whether students and employees are at risk of becoming victims of a similar crime.

The HSC Operations official who crafts the wording of the Lobo Advisory uses pre-drafted template language and bases the remainder of the content on what type of incident occurred, the context, level of urgency, and how the situation evolves. It includes appropriate information as soon as it becomes available, such as location, crime, description of subject (if known), and any other pertinent details. Additional updates may be issued as the situation evolves.

HSC Operations then issues the Lobo Advisory in a way that is reasonably likely to reach the entire campus community quickly and effectively—by UNM email and UNM website banners.

UNM Health Sciences Rio Rancho is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor.

WARNING TO THE LARGER COMMUNITY

HSC Operations and communications officials will notify, as appropriate, the local news media and social media to help keep the larger community informed on an ongoing threat.



5 | SECURITY OF AND ACCESS TO CAMPUS FACILITIES

5.1 ACADEMIC AND OTHER CAMPUS BUILDINGS

The Health Sciences Rio Rancho Campus is open to students and guests between 7:45 a.m. and 5:15 p.m., Monday through Friday, and is closed and alarmed on Saturdays and Sundays. Building hours occasionally vary and are based on the course schedule for the current term. Students with a valid badge can access the Health Science academic building until 10 p.m. Employees who require 24 hours a day, seven days a week access have badge access to the exterior doors and restricted areas within the building. After hours, staff escort patients into the behavioral health clinic on an as-needed basis and have access to strategically located duress buttons to request the assistance of UNMH Security.

UNMH Security conducts regular rounds throughout the Rio Rancho Campus facilities and parking areas and

has access to camera surveillance footage around the clock. Key staff members at Health Sciences Rio Rancho maintain direct contact with UNMH Security via radio communications.

5.2 SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

SRMC Facilities and Environmental and Health Safety personnel conduct regular checks of safety and security features inside and outside of all Rio Rancho Campus facilities and initiate the repair or replacement process as needed.

Operations staff also conducts annual safety walks around campus to identify vulnerability impacting safety and security and work with Facilities to make improvements.



6 | WEAPONS PROHIBITED ON CAMPUS

6.1 PROHIBITED WEAPONS

University Administrative Policy (UAP) 2210: Campus Violence dictates which weapons are prohibited and allowable on campus. Prohibited weapons include firearms, ammunitions, or other implements that are designed or used to inflict bodily harm or physical threats or damage.

Note that providers of certain services on campus, such as Residence Life and Housing (RLSH) and UNM Hospitals (UNMH), may have more restrictive policies on allowing weapons on their premises.

6.2 LIMITED EXCEPTIONS

The limited exceptions to the prohibition on carrying weapons on University premises are for:

- Law enforcement and UNMH Security Officers, who may carry weapons in the performance of their authorized duties.
- ROTC students, who may carry inoperable weapons for the limited purpose of conducting required and supervised drills during ROTC activities.
- Members of the campus community who carry ordinary, small pocket knives that have a folded metal blade for self-defense or utility purposes.
- Members of the campus community who carry stun guns with a maximum amperage of five (5) milliamps and pepper spray (a/k/a oleoresin capsicum) in containers no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than 10 percent, for self-defense purposes. The University encourages anyone who carries a stun gun or pepper spray to learn how to use it, be aware of its limitations, and realize that it can be used against you in a physical confrontation. No other electro-shock weapons, such as TASERS, are authorized, except by law enforcement and UNMH Security Officers.
- Times at which, on a case-by-case basis, UNMPD may authorize the use of weapons for art projects or exhibitions, research, or other University business purposes.



With the foregoing exceptions, no person may carry or use a prohibited weapon on any University premises. If any person does carry weapons on campus, the person may be subject to appropriate disciplinary and/or criminal action.

6.3 FIREARMS

Under **Section 30-7-2.4, NMSA 1978**, it is illegal to carry a firearm on University premises. Firearms include any weapon that can expel a projectile by the action of an explosion, such as handguns, rifles, and shotguns.

CONCEALED HANDGUN LICENSES

Persons holding a valid concealed handgun license under the **New Mexico Concealed Handgun Carry Act**, Section 29-19-1 et seq., NMSA 1978, or a valid comparable license under the law of any other state, are prohibited from carrying their handguns on University premises.

7 | ALCOHOL AND ILLICIT DRUGS

7.1 UNM'S POLICY ON ALCOHOL AND ILLICIT DRUGS

As outlined in [UNM's Regents' Policy Manual Section 2.6: Drug Free Environment](#), the University is committed to fostering an environment for the pursuit of its mission that is free of drugs and the illegal or inappropriate use of alcohol. Drug and alcohol abuse at the University pose a serious threat to the health and welfare of faculty, staff, and students; impair performance; jeopardize the safety and well-being of other members of the University community and of the general public; and conflict with the responsibility of the University to foster a healthy atmosphere for the pursuit of education, research, and public service.

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or alcohol on University property or as part of any University activities by any member of the University community is strictly prohibited.

All employees of the University of New Mexico are required to 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](#). 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 their supervisor if they are convicted of a criminal drug statute violation occurring in the workplace within five days of such conviction. The supervisor shall notify the Office of University Counsel Failure of the employee to notify the supervisor shall be grounds for disciplinary action.

7 | ALCOHOL AND ILLICIT DRUGS, CONT.



7.2 ENFORCEMENT OF AND LEGAL SANCTIONS FOR THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ALCOHOL OR ILLICIT DRUGS

UNM strictly enforces all state underage drinking laws and all federal and state drug laws.

COSAP collaborates with the Office of University Counsel to maintain accurate information within Pathfinder on state and federal drug penalties.

The penalties for even the most minor of violations of the **New Mexico 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.

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

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.

7.3 IMPACTS OF ALCOHOL AND ILLICIT DRUGS

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, and 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 and work problems.

7 | ALCOHOL AND ILLICIT DRUGS, CONT.

For more information about the possible effects and health risks associated with the use of illicit drugs and alcohol, contact the [Student Health, Counseling and Health Education Program](#) (505-277-7947) or the [Campus Office of Substance & Alcohol Prevention \(COSAP\)](#) (505-277-2795).

7.4 PREVENTION EFFORTS AT UNM

UNM's [COSAP](#) was established in 1992 and has been part of the [UNM Center on Alcohol, Substance use, And Addictions \(CASAA\)](#). The COSAP mission is to prevent the misuse of alcohol and other drugs (AOD) through programs and practices that inform UNM students, faculty, and staff and promote safe and moderate behaviors and contest positive perceptions of alcohol and other drug use.

For students, COSAP promotes prevention programming and provides information on substance-free activities as options for students to enjoy their time at UNM without alcohol and other drugs. COSAP programming is designed to promote realistic estimates of student peers' alcohol use, to increase student success and health, to reduce

alcohol and other drug related risks, and to help students live by healthy norms.

Pursuant to the Drug-Free Schools and Communities Act (DFSCA), COSAP also prepares [UNM's Biennial Review of Drug Prevention Efforts](#) which contains:

- Detailed information about the University's policy prohibiting any unlawful activity on campus related to illegal drugs and alcohol; a description of applicable sanctions under state and federal law; a description of health risks associated with illegal drug use and the abuse of alcohol; a description of available alcohol and other drug counseling or treatment resources; and a clear statement that UNM will impose sanctions on students, faculty, and staff members for alcohol/drug violations committed on campus; and
- A biennial review of its drug prevention programs to determine the effectiveness of the programs and to ensure that disciplinary sanctions described above are consistently enforced.

A complete list of UNM policies related to alcohol and illicit drugs is available on the [COSAP website](#).



7 | ALCOHOL AND ILLICIT DRUGS, CONT.

7.5 CAMPUS RESOURCES FOR SUBSTANCE ABUSE

CAMPUS RESOURCES FOR EMPLOYEES

If you are concerned about your own, an employee's or a colleague's alcohol or drug use, contact [Counseling, Assistance & Referral Services \(CARS\)](#) or [Human Resources \(HR\)](#). 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 team building. In addition to the Employee Assistance Program (EAP) facilitated through CARS, HR offers a comprehensive Employee Wellness plan focused on adult fitness, nutrition, health counseling, physiological assessment, and health education classes.

Counseling, Assistance & Referral Services (CARS)
505-272-6868

Human Resources
505-272-0942

CAMPUS RESOURCES FOR STUDENTS

If you are concerned about the alcohol or other drug use by yourself or someone you know, please contact the [Student Health and Counseling](#) or [COSAP](#). Confidential consultants, individual assessments and education are available.

Student Health & Counseling (SHAC)
505-277-3136

Campus Office of Substance Abuse Prevention
505-277-2795



OTHER CAMPUS & COMMUNITY RESOURCES

AGORA Crisis Center
505-277-3013

NM Council on Alcoholism and Drug Dependence
505-256-8300

Suicide Prevention Emergency Service
505-247-1121 (24/7)

University Hospital Emergency Department
505-272-2411

UNM Center on Alcoholism, Substance Use and Addictions (CASAA)
505-925-2300

UNM Department of Psychology Clinic
505-277-5164

UNM Employee Health Promotion Program
505-272-4460

UNM Employee Occupational Health Services
505-272-2517

UNM Mental Health Center, Crisis Unit
505-272-2800

UNM Women's Resource Center
505-277-3716

Additional assistance and treatment options are available in the [Resources section of the COSAP website](#).

8 | SECURITY, AWARENESS & CRIME PREVENTION PROGRAMS

8.1 SECURITY AND AWARENESS PROGRAMS

UNM offers programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. UNM encourages everyone in good faith to take advantage of the many programs and courses that are available to all. More information about campus safety programs is available on the UNM [Campus Safety](#) page.

New Student Orientation

To help new Lobos get acquainted with UNM, all incoming students complete the [New Student Orientation \(NSO\)](#) program in their first year at UNM. 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 presentations before their first semester of enrollment about a variety of safety and security topics, enrolling in the LoboAlerts system, using the LoboGuardian app, how to use blue light emergency phones, and taking advantage of UNM's campus escort service. NSO is offered prior to each Spring, Summer, and Fall Semester every year.

Family Connection

The [Family Connection \(FC\)](#) orientation program 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 security on campus and ways their students can protect themselves and their belongings during their time at UNM. FC runs concurrently prior to each Spring, Summer, and Fall Semester every year.

New Employee Experience

New employees are required to complete the online [“Your Lobo Journey”](#) orientation training during the onboarding process, which contains modules related to discrimination, gender-based violence, conflict resolution, and crisis management. Onboarding employees must also attend a virtual New Employee Information Session in which they view presentations from various departments and are resourced with information about campus safety and security, sexual misconduct, campus violence, reporting crimes, enrolling in the LoboAlerts system, using the LoboGuardian app, how to use blue light emergency phones, and how to take advantage of UNM's campus escort service. The modules are offered on a rolling basis for new employees as they onboard.



8 | SECURITY, AWARENESS & CRIME PREVENTION PROGRAMS, CONT.

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, UNM [Student Health & Counseling \(SHAC\)](#) facilitates [The Barrier Necessities](#). This program is offered year-round to ensure UNM students have obstacle-free access to free condoms and dental dams. SHAC also provides resources and materials online and at the center, such as [Safer Sex](#) tips, all year.

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. This module is offered on a rolling basis for new employees as they onboard.

UNM Hospitals Programming

Each new staff member of UNM Hospitals participates in a general orientation program that includes information related to the Security Program. These programs are offered on a rolling basis for new employees as they onboard, and at least once a year as continuing education for current employees.

In-Service Training for Housing Staff

At the beginning of each Spring and Fall Semester, staff from various departments train incoming and returning staff in Residence Life & Student Housing and American Campus Communities on ways they can enhance security at on-campus housing facilities, such as supporting safe activities that enhance natural surveillance of common areas, inspecting lighting and other elements in the built environment that can enhance or hinder security, removing objects used to prop building doors, and educating residents on the importance of the University's safety and security protocols.

Culture of Safety Initiative

UNM's leadership is committed to the health and safety of all University members. The main goal of this commitment is to reduce injuries among University members on campus. Achieving this requires a culture in which each

member of the campus community takes responsibility for the health and safety of themselves and those around them. Instilling a strong "Culture of Health and Safety" supports the UNM 2040 Goal 4 Objective 1 of having a high-quality and sustainable workforce. Through diligent use of the four core elements listed below, UNM works to improve its culture of health and safety and in turn, reduce injuries, through this initiative by promoting **ACTing Safely: Avoid hazards. Care for others. Train.** More information about this ongoing initiative is available on UNM's [Campus Safety](#) page.

8.2 CRIME PREVENTION PROGRAMS

In addition to empowering community members with tools to keep themselves and others secure, UNM offers several programs designed to inform students and employees about the prevention of crimes.

Bicycle Registration & Security

UNMPD encourages everyone within the UNM community to choose carefully when and how to park their bicycle, secure their bicycle with a high-quality lock, and to register their bicycle with the Police Department. Registration is free, available during Campus Safety Week or anytime throughout the year at UNMPD, and valid for four years. Visit the UNMPD [Bike Registration & Security](#) page or stop by the new UNMPD station on Mesa Vista Rd NE.

Campus Safety Escorts

UNM Hospitals (UNMH) and Health Sciences Center employees may request an escort from UNMH Security at any time of the day, if needed, to any parking lot not serviced by UNMH Shuttle Buses. UNMH Security Officers also provide escorts to any patient or visitor that requests an escort to their vehicle. Escorts can be requested by calling UNMH Security at 505-272-2160.

Tabling

During New Student Orientation, Campus Safety Week, resource fairs, and other select times of year, offices from across campus set up tabling displays to share information about crime reduction and prevention, healthy

8 | SECURITY, AWARENESS & CRIME PREVENTION PROGRAMS, CONT.

relationships, consent, and general safety topics.

Crime Prevention Tips

UNMPD, along with other departments of the University, provide tips on a rolling basis to students and employees on topics such as [pedestrian, skateboarding, and bicycling safety](#), [safety in social settings](#), [sexual exploitation survival](#), bystander intervention, sexual assault prevention, and [responsible drinking](#). Paper brochures, flyers, and other literature are distributed across various locations on campus and several departments post crime prevention tips on their websites and social media pages throughout the year. Residence Life & Student Housing (RLSH) and American Campus Communities (ACC) also provide campus residents with safety tips in the residence halls during monthly meetings and via flyers, bulletin boards, email, and social media.

Foreign Trip Preparation

Prior to traveling abroad through a Department- or Global Education Office (GEO)-led program, University officials and crime prevention specialists from the Albuquerque Police Department prepare students, staff, and faculty with safety and security awareness that is tailored to the environment(s) to which they will be traveling. Topics include personal safety, what to do in an emergency, and property security.

Curriculum Infusion

Throughout the academic year, UNM's [Campus Office of Substance & Alcohol Prevention \(COSAP\)](#) offers alcohol and other drug prevention presentations and class content for various departments to incorporate into their courses.

Safety Talks

Each fall, officers from UNMPD conduct outreach and respond to requests for presentations on various crime prevention topics hosted by student groups and campus departments.

Active Shooter on Campus: Run, Hide, Fight.

This training module is included in UNM's mandatory training for new employees and is 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 to the greatest extent possible.

Crime Prevention Through Environmental Design (CPTED)

UNM offices work collaboratively to conduct security assessments and develop solutions for deterring criminal activity on campus properties throughout the year. CPTED practitioners within CEEO and UNMPD provide technical expertise to various departments on campus upon request.

Campus Safety Week

In observance of National Campus Safety Awareness Month (NCSAM) each September, UNM hosts [Campus Safety Week](#) to engage students, employees, and the larger community. In addition to Campus Safety Walks, events during Campus Safety Week include various workshops, trainings, presentations, tabling, VIN etchings, Coffee with a Cop, police station tours, mixers, live demonstrations, and more.

Annual Campus Safety Summit

UNM moderates an Annual Campus Security Summit during [Campus Safety Week](#) each September on Main Campus in Albuquerque. The event is open to the entire UNM community and streamed live. The Summit provides a platform for representatives from various safety and security initiatives across campus to present their work to each other and to stakeholders from virtually every sector of the University and the larger community. Past topics include auto theft prevention, crime trends, [LoboLift](#), [Campus Watch](#), threat assessment, physical security, UNM's [Campus Safety Plan](#), [Coordinated Community Response Team \(CCRT\)](#) efforts.

8 | SECURITY, AWARENESS & CRIME PREVENTION PROGRAMS, CONT.

8.3 SEX OFFENDER REGISTRY

In accordance with the **Campus Sex Crimes Prevention Act of 2000 (CSPA)**, the **UNM Police Department (UNMPD)** provides a website link to the **New Mexico Department of Public Safety (NMDPS)** 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, and 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.

Sex offender registration at UNM is administered by UNMPD via an online **Sex Offender Registration Form**.

HOW TO ACCESS THE SEX OFFENDER REGISTRY

The NMDPS, 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 NMDPS provides a statewide list of registered sex offenders at https://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlubi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==

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/>.



9 | HAZING

9.1 UNM'S ANTI-HAZING POLICY

UNM seeks to create a safe environment that contributes to student success and promotes the acquisition of knowledge. The University takes the prevention, threat, and elimination of hazing seriously, and all forms of hazing are strictly prohibited by its [Anti-Hazing Policy](#).

DEFINITIONS

For the purposes of UNM's Anti-Hazing Policy, "hazing" refers to an intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons against another person or persons, regardless of the willingness of such other person or persons to participate that:

- as committed in connection with, initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation at UNM or a student organization (such as the physical preparation necessary for participation in an athletic team or military training exercise) of physical or psychological injury.

The following behaviors constitute examples of violation(s) of this policy, recognizing that similar behaviors not listed may also be prohibited:

1. Involvement in the planning, direction, or commissioning of hazing and/or being present during hazing.
2. Failing to intervene to prevent or stop hazing if the person has knowledge of a planned hazing activity.
3. Failing to assist or seek assistance if the person knows or reasonably should know that another is in danger from affects of hazing.
4. Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity.
5. Causing, coercing, or otherwise inducing sleep deprivation, personal servitude or exploitative labor, restrictions on personal hygiene, exposure to the

elements, confinement in a small space, extreme calisthenics, or other similar activity.

6. Humiliating or degrading acts, whether physical, verbal, or psychological.
7. Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances.
8. Causing, coercing, or otherwise inducing another person to perform sexual acts.
9. Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct.
10. Any activity against another person that includes a criminal violation of local, State, or Federal law.
11. Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, or Federal law.

"Student organization" refers to any student group at UNM, including but not limited to a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government—with two or more members enrolled at UNM, regardless of whether the organization is officially recognized by the University.

9.2 LOCAL, STATE, AND TRIBAL LAWS ON HAZING IN NEW MEXICO

Currently, there are no applicable local, State, or Tribal laws on hazing in New Mexico.



9 | HAZING, CONT.

9.3 UNM'S PROGRAMS TO PREVENT HAZING

Prevention of hazing is a shared responsibility, and all UNM community members are responsible for conducting themselves in a manner that supports an environment free from hazing.

UNM offers research-informed campus-wide prevention programs designed to reach students, staff, and faculty, which include information on:

- UNM's Anti-Hazing Policy,
- How to report incidents of hazing,
- UNM's Procedures for Investigating Incidents of hazing,
- Applicable local, state, and tribal laws on hazing (as defined by such local, state, and tribal laws), and
- Primary prevention strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

UNM widely encourages all community members to take advantage of the [Gordie Center Hazing Prevention Toolkit](#) which features educational videos about hazing prevention topics such as:

- **Hazing Prevention - 5 Ds for Effective Bystander Intervention:** This video explains how to be an effective bystander in hazing situations using the 5 Ds (direct, distract, delegate, delay, and document).
- **Planning Meaningful New Member Programs:** This video which walks through how to create meaningful new member programming and speak up when you are uncomfortable with what is being planned.
- **Hazing Signs: What to Do if You're Being Hazed:** If you're uncomfortable with the activities in your new group, are you being hazed? This short video helps you identify hazing, and provides tips on what to do if you're being hazed.
- **Hazing Signs: Worried About a Friend:** Are you worried about a friend? This short video helps you determine if someone you know is being hazed, and gives suggestions for how to respond.

9.4 HOW TO REPORT HAZING

UNM encourages all members of the UNM community to report suspected hazing, including through anonymous submissions. Reports should include as much specific and accurate information as possible to support a thorough review. While anonymous reports may limit the University's ability to respond, they can still help identify patterns or areas of concern.

The Dean of Students Office (DOSO) is the primary office responsible for receiving and coordinating reports of suspected hazing. Reports may be submitted online at [Submit a Hazing Report](#). Reporting suspected hazing to a national organization or third-party entity does not replace the importance of reporting directly to UNM. Nothing in UNM's Anti-Hazing Policy prevents any individual from reporting hazing to a law enforcement agency.

Following receipt of a report or complaint, the Dean of Students Office assesses whether the allegations are jurisdictional to the office. DOSO may take disciplinary action against a student for a report of hazing when the hazing occurs on UNM premises or at a UNM-sponsored event, or when the hazing occurs off campus and failure to take disciplinary action is likely to disrupt the academic process or other campus functions or endanger the health, safety or welfare of the UNM community, or any individual student or employee.

If DOSO's jurisdictional parameters are met, a Student Resolution Specialist may schedule an **Intake Meeting** with any person involved in the incident, to include any potential complainant(s), respondent(s), or witness(s). DOSO uses this meeting to discuss the details in the report and determine the next course of action in the resolution process.

In a subsequent **Investigation Meeting**, a Student Resolution Specialist may refer a matter for investigation, schedule a meeting, or convene a group of University Officials to interview any person who may have information relevant to a potential investigation.



9.5 UNM'S PROCEDURES USED TO INVESTIGATE INCIDENTS OF HAZING

INCIDENTS OF HAZING INVOLVING A STUDENT OR STUDENT ORGANIZATION AS RESPONDENT

Allegations involving students or student organizations are addressed by DOSO under the [Student Disciplinary Procedure \(SDP\)](#). The process is the same for individual student respondents as it is for student organizations, either of which may be held accountable by DOSO under the SDP.

In matters involving allegations of Student Code of Conduct violations related to the University's policies on civil rights or discrimination, including University Administrative Policies [2720](#) and [2740](#), the DOSO refers the matter to the Office of Compliance, Ethics and Equal Opportunity for investigation and resolution in accordance with the CEEO Grievance Procedure. These procedures are outlined in Section 12: Incidents Involving Dating Violence, Domestic Violence, Sexual Assault, and Stalking.

The student conduct process begins when DOSO sends the student respondent is sent a **Notice of Allegations**. The Notice of Allegations contains a written summary of the allegations, which section(s) of the Student Code of Conduct the student is alleged to have violated, and notice for an **Information Meeting**.

Next, the Student Resolution Specialist holds an Information Meeting with the student. This meeting is not a disciplinary proceeding but rather is intended as an opportunity to discuss the allegations, review a student's rights, and determine the next course of action in the student conduct process. The student will be provided the opportunity to choose "Responsible" or "Not Responsible" for the allegations. Prior to a student selecting "Responsible" or "Not Responsible," a Student Resolution Specialist may adjust or withdraw allegations.

9 | HAZING, CONT.

Resolution Options

Resolution choices will be determined during the Information Meeting. A student issued a Notice of Allegations who does not attend the Information Meeting or respond in a timely fashion will not delay resolution of the alleged incident. The University may move forward with the student conduct process in the absence of the student, including selecting a resolution option, scheduling a hearing, or placing a registration hold on the student's account. Resolution options through DOSO include the following.

Outcome Conference

An Outcome Conference may be offered if the respondent is accepting responsibility for the allegations and separation from the learning environment would not be considered as a potential sanction outcome for the alleged violation(s).

The Outcome Conference is a meeting between a respondent and a Student Resolution Specialist and allows the student to share their perspective of the incident, discuss circumstances of the case, as well as engage in dialogue to provide support and resources for the student to engage in the UNM community. The information informs the Student Resolution Specialist's sanctioning decision, which is communicated in writing.

Agreeing to participate in an Outcome Conference constitutes a waiver by the respondent of the right to Hearing as well as any appeal.

Educational Conversation

An Educational Conversation may be offered if the respondent is accepting responsibility for the allegations and separation from the learning environment would not be considered as a potential outcome for the alleged violation(s).

The Educational Conversation is a meeting with a respondent, Student Resolution Specialist, and

relevant University representatives. The meeting provides an opportunity for authentic dialogue, goal setting, repairing harm, and discussion of outcomes. The meeting informs the Student Resolution Specialist's sanctioning decision which is communicated in writing.

For this option to be offered, all participants must willingly participate. Agreeing to participate in an Education Conversation constitutes a waiver by the respondent of the right to Hearing as well as any appeal.

Collaboration Conference

A Collaboration Conference may be offered if a student organization accepts responsibility for the allegations and the organization's separation from University would not be considered as a potential outcome for the alleged violation(s).

The Collaboration Conference is a meeting between the respondent and a Student Resolution Specialist. The meeting is educational in nature and designed to support the student organization's internal accountability measures and shared responsibility for the success of student organizations at the University.

To be eligible, a student organization may not be on Disciplinary Probation and at least two semesters must have concluded since a Collaborative Resolution was issued. Participation includes providing the Student Resolution Specialist with the following:

1. Completion of a full internal investigation by the student organization
2. Documentation of action steps that have been taken in response to the incident
3. Longer-term education plans to avoid recurrence
4. The meeting informs the Student Resolution Specialist's sanctioning decision which will be communicated in writing.

Agreeing to participate in a Collaboration Conference constitutes a waiver by the respondent of the right to Hearing as well as any appeal.

9 | HAZING, CONT.

Hearing

If the respondent does not accept responsibility for violating the Student Code of Conduct or separation from the learning environment would be considered as a potential sanction outcome for the alleged violation(s), the matter will proceed with a Hearing.

In a Hearing, a meeting takes place between the respondent and the Student Resolution Specialist to discuss the alleged violations and allows the respondent to present information for consideration. The Student Resolution Specialist may ask the respondent questions deemed relevant to determine the findings and/or sanctions, if applicable.

PRE-HEARING PROCEDURES:

1. The respondent will receive a Notice of Hearing at least seven (7) days prior to the Hearing.
2. Within (3) three days of receiving a Notice of Hearing, a respondent challenging that a Student Resolution Specialist has a conflict of interest or bias must notify the Dean of Students Office in writing providing the reason(s) for the challenge. The challenge will be reviewed by the Dean of Students, whose decision is final.
3. A party may provide relevant information no later than three (3) days prior to the scheduled Hearing. Information may include but is not limited to names and contact information for potential witnesses, documentation, reports, writings, photos, and videos. The University does not have subpoena powers to obtain documents or other relevant information.
4. Witnesses not disclosed in advance will not be eligible to participate in the Hearing. A party is responsible for arranging witness participation at the Hearing and the University does not coordinate or compel a person's participation in the evidence-gathering or hearing process. As such, a Student Resolution Specialist may reach a decision without the opportunity to consider a witness' testimony and such non-participation will not prevent a determination in a case.

DURING THE HEARING:

1. The Student Resolution Specialist will present information related to the case and a party may present a response to the charges. A party may not present additional evidence or potential witnesses at the Hearing that was not provided during the evidence-gathering phase. The Student Resolution Specialist considers the following exceptions for Good Cause:
 - ❑ Evidence requested by the Student Resolution Specialist.
 - ❑ Evidence of which the party was not previously aware, that the party could not have possibly discovered through the exercise of reasonable diligence, and the absence of which would be sufficient to materially affect the outcome of the matter.
 - ❑ Relevant evidence submitted to rebut information gathered during the evidence phase, and the absence of which would be sufficient to materially affect the outcome of the matter.
2. The Student Resolution Specialist may direct questions to a party or witnesses if present.
3. Witnesses are excluded from the Hearing except during their own testimony. The Student Resolution Specialist may decline witnesses if it is determined that expected testimony is not sufficiently relevant to the allegations, would be duplicative of other testimony, or would otherwise not be significant to the review and determination of the allegations.
4. Following the presentation of evidence, the Student Resolution Specialist may allow each party to present an additional response to the evidence.
5. A party has an opportunity to submit an impact and/or reflection statement which is considered when assigning sanctions for findings of responsibility.

NOTICE OF HEARING OUTCOME:

Within fifteen (15) days of the Hearing, the respondent will receive written notice of the findings. If the respondent has been found responsible for violating

9 | HAZING, CONT.

the Student Code of Conduct, the written notice contains the sanctions imposed for the violation(s).

Hearings Assigned to the OAH

The Dean of Students Office may assign a Hearing to the UNM **Office of Administrative Hearings (OAH)**, if separation from the learning environment, which includes suspension or expulsion, may be considered as a potential sanction if the respondent were to be found responsible for the alleged violation(s). A hearing conducted by the OAH is a live hearing and recorded by the University. The Student Resolution Specialist for a hearing assigned to the OAH will generally be the Administrative Hearing Officer.

A timeline for written notice of the findings and any sanctions imposed is determined by the OAH as outlined UNM's **Administrative Hearing Procedures**.

Alternative Restorative Resolution Process

Not all cases are appropriate for a Restorative Resolution Process, such as those involving serious violence or repeated violations.

Participation in a Restorative Resolution Process must also be mutually agreed upon and voluntary for all parties and may or may not result in agreement or resolution.

If resolution is reached through a Restorative Resolution Process, the matter will be considered fully resolved. Any agreement or resolution is binding and not subject to appeal. Failure to abide by the agreement or resolution may result in disciplinary action.

If resolution is not reached, allegations against the Respondent may be resolved through another student conduct process.

With approval from the Dean of Students Office, other campus entities may refer students to the Restorative Resolution Process.

Student and Student Organization Sanctions

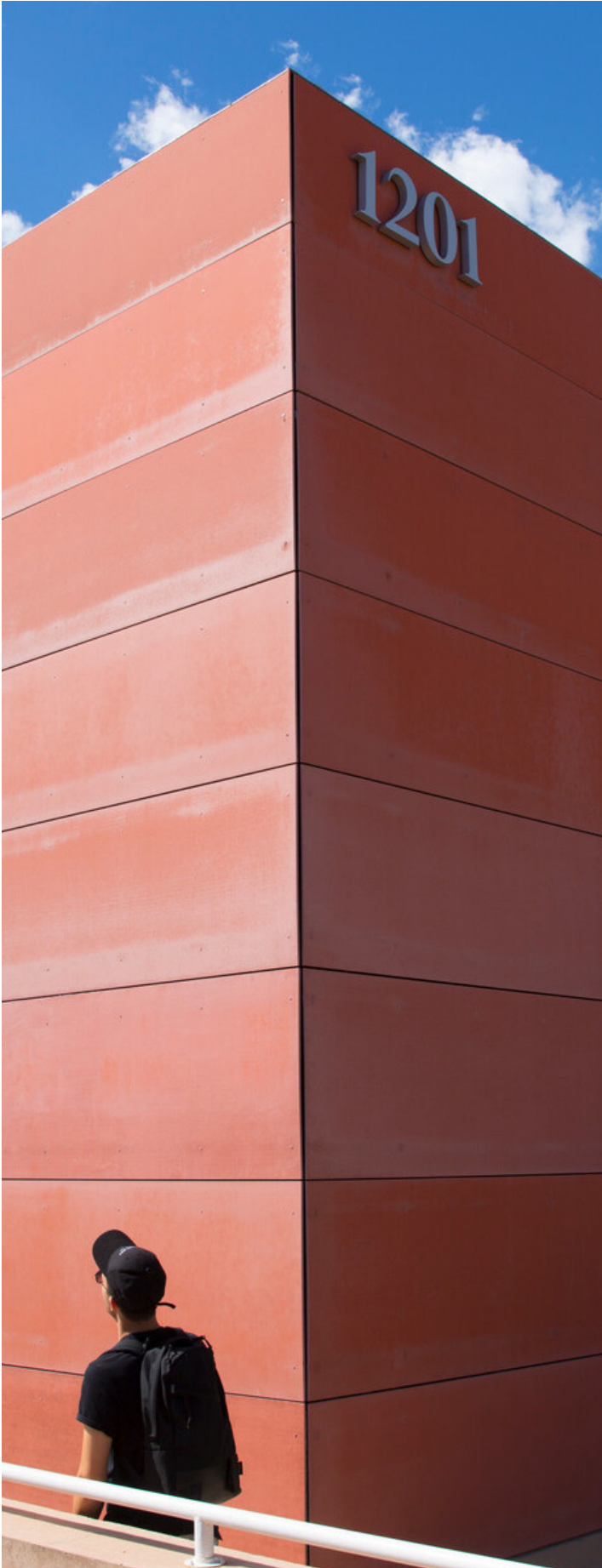
A sanction will be issued only in matters where an individual Student(s) and/or Student Organization(s) has been found responsible for violating the Anti-Hazing Policy or Student Code of Conduct (SCOC) following the procedures outlined in the SDP. Sanctions may include any combination of administrative, educational, restrictive, or status sanctions as outlined in the SCOC or SDP. Possible sanctions include but are not limited to civic serve, disciplinary probation, contact restrictions, suspension, and expulsion.

Appeals for Student Code of Conduct Violations

Decisions regarding Student Code of Conduct violations are final, unless the sanction imposed is suspension, expulsion, banning from campus, or results in a significant interruption toward degree completion. When this is the case, the respondent has seven days from the date of the written decision from the Student Resolution Specialist to submit a written request for appeal to the Vice-President of Student Affairs. The Vice President for Student Affairs will send written notification of the decision to the appealing party within seven days of receiving the request for appeal.

The respondent may then file a request for appeal to the President's Office within seven days of the date of the written decision from the VP for Student Affairs. Appeals may be submitted electronically using the Appeal to the University President online form, emailed to president@unm.edu, or by mail to MSC05 3300, Scholes Hall, Suite 144, 1 University of New Mexico, Albuquerque, NM 87131.

Finally, in accordance with the Regent's Policy Manual, Section 1.5, the Board of Regents has discretionary authority to review the decision of the President. The Board of Regents has sole discretion to determine whether the appeal will be considered. Respondents wishing to submit a request for appeal to the Board of Regents must do so via the President's Office within 10 days of the date of the written decision from the President using the Appeal



to the University of New Mexico Board of Regents online form.

Interim and Supportive Measures

In certain circumstances, the University may issue interim or supportive measures upon notification of alleged student misconduct. Interim and supportive measures are not sanctions and do not replace the student conduct process. Rather, they are issued while the investigation or student conduct process is proceeding. The University Official will assess the specific situation and the severity of the allegations to determine the appropriate interim or supportive measures to implement pending the outcome of the student conduct process.

In matters involving Title IX, the University official consults with the Title IX Coordinator before issuing any supportive measure.

Interim Actions for Student Organizations

An interim restriction of student organization social events is a temporary restriction of social gatherings. The restrictions may include but are not limited to formals, dinners, mixers, other social events, any activity involving alcohol, and some philanthropic events.

An interim restriction of student organization social events may be placed at the discretion of a Student Resolution Specialist where a student organization is facing allegations related to drugs and/or alcohol; alleged violations that occurred at a social gathering; or alleged violations of the Fraternity and Sorority Risk Management Procedures.

Branch Campuses, UNM Health Sciences Center, and UNM School of Law

Branch campuses follow the SDP, as modified to identify the decision-makers at their respective campus or program. UNM Health Sciences Center departments or the UNM School of Law may elect to follow this Student Disciplinary Procedure, as modified to identify the decision-makers at their respective campus or program.

9 | HAZING, CONT.

INCIDENTS OF HAZING INVOLVING FACULTY AS A RESPONDENT

Allegations involving faculty are referred to the appropriate academic authority and addressed under [Faculty Handbook Policy C07](#) and any other applicable University policy. Depending on the conduct alleged, additional policies concerning respectful campus conduct, campus violence, discrimination, sexual misconduct, or other employee misconduct may apply.

Preliminary Assessment

Typically, the department chair will complete a **preliminary assessment** within five working days after the matter is brought to their attention. The purpose of the preliminary assessment is to determine whether the allegation is sufficiently credible and specific.

The preliminary assessment is not intended to be an investigation, and consequently the department chair does not necessarily need to interview individuals or gather data beyond any that may have been submitted with the allegation. After completing the preliminary assessment, the department chair will choose from one of the following actions and meet with the faculty member to explain the nature of the alleged violation.

Allegations Not Sufficiently Credible and Specific

If the department chair determines the **allegations are not sufficiently credible and specific**, the department chair will inform the faculty member in writing of the determination and ask the faculty member if they wish the determination be documented in the faculty member's personnel file(s). The department chair will notify the complainant in writing that the report was not found to be specific and credible and therefore no further action will be taken.

Conciliation

Conciliation is voluntary and may be undertaken if both parties agree. The department chair or the faculty member may initiate conciliation proceedings at any time prior to a disciplinary decision by the



department chair.

Alleged Misconduct that Does Not Fall within the Scope of Another Specific UNM Policy

If the department chair determines the **allegations are credible and specific** and the alleged misconduct does not fall within the scope of another specific UNM policy, the department chair will meet with the faculty member to discuss the alleged misconduct within five (5) working days after completion of the preliminary assessment. At the meeting, the department chair will provide a written report to the faculty member that describes the specific alleged misconduct, including a summary of any documentation.

- If the faculty member acknowledges the misconduct, the department chair and the faculty member will discuss possible disciplinary action.
- If the faculty member does not agree that misconduct occurred, the department chair initiates an investigation to determine if the allegations meet the definition of misconduct and are credible. The department chair will begin the investigation within five working days after meeting with the faculty member.

9 | HAZING, CONT.

Investigation of Misconduct

The purpose of an **investigation** is to explore the allegations in detail, examine the evidence in depth, and determine specifically whether the faculty member engaged in misconduct. The investigation is conducted in a confidential manner, to the extent legally permissible, and is completed within 15 working days after completion of the preliminary assessment. If more time is needed, the chair discusses the timeline with their respective dean and get the dean's approval for an extension.

At a minimum, the investigation includes a meeting with the faculty member. The faculty member may be accompanied by one person in meeting with the department chair. The faculty member must notify the department chair at least two working days prior to the scheduled meeting who, if anyone, will be accompanying them at the meeting.

Before, during or after the meeting, the department chair may ask the faculty member to respond in writing to the allegations and present any relevant written material within a reasonable time specified by the department chair. The faculty member is free to submit any materials the faculty member believes to be relevant no later than five working days after meeting with the department chair unless the department chair grants additional time in writing.

The department chair typically also meets with other individuals who might have information regarding aspects of the allegations.

Within five working days after completion of the investigation, the department chair meets with the faculty member and provides a written report that includes a summary of the evidence reviewed and discussions with the faculty member and all individuals interviewed. A signed copy of the report is placed in the faculty member's personnel file(s). No disciplinary action takes place without providing this written report to the faculty member.

Faculty Sanctions

Within five working days after meeting with the faculty member, the department chair decides on what level of disciplinary action, if any, will result. If disciplinary action involves a bargaining unit member, the disciplinary procedures listed in the applicable bargaining unit agreement will be followed.

When the need for disciplinary action is identified, UNM normally uses progressive discipline to address misconduct, which typically begins with a warning. Progressive discipline is intended to be corrective, not punitive in nature, and is designed to provide faculty with notice and an opportunity to take corrective action. However, some misconduct may be of such a serious nature that suspension without pay or dismissal may be appropriate.

Appeals for Faculty Disciplinary Action

If the faculty member does not agree with the results of the investigation and/or the disciplinary action, the faculty member may appeal a warning, censure, or disciplinary probation in accordance with the following sections; however, the disciplinary action will not be delayed pending appeal.

Appeal to Provost or Executive Vice President for Health Sciences

The faculty member may submit a written appeal to the Provost or Executive Vice President for Health Sciences (EVPHS) within 10 working days of receipt of the written discipline notice from the department chair. The Provost/EVPHS will decide the matter based on the investigation's written report, unless the Provost/EVPHS determines that it would be helpful to meet with the parties, together or separately.

Within 10 working days after receipt of the request for review from the faculty member, the Provost/EVPHS will uphold, modify, or reverse the disciplinary decision by written notice to the parties. If the Provost/EVPHS determines the investigation was not

9 | HAZING, CONT.

complete, they may remand the matter back to the department chair for further action.

Appeal to the President

If the faculty member does not agree with the decision of the Provost/EVPHS determines the matter does not fall in its jurisdiction, the faculty member may request a review by the President. The President has discretion to determine whether the appeal will be considered. The request must be made in writing to the President's Office within 10 working days of the date of the written decision from the Provost/EVPHS.

Appeal to the Board of Regents

A faculty member may appeal to the Board of Regents in accordance with [RPM 1.5: Appeals to the Board of Regents](#).

INCIDENTS OF HAZING INVOLVING STAFF AS RESPONDENT

When a report alleges involvement by a staff member, the matter may be referred to [UNM Human Resources](#) for review and investigation under applicable University personnel policies such as [UAP 2200: Whistleblower Protection and Reporting Suspected Misconduct and Retaliation](#), and collective bargaining agreements. Depending on the conduct alleged, additional policies concerning respectful campus conduct, campus violence, discrimination, sexual misconduct, or other employee misconduct may apply.

When HR receives a complaint, an investigator in the [Labor & Employee Relations](#) department is assigned to review it. The investigator will determine whether a full investigation is warranted by HR, if the matter should be referred to another office for review, or if the matter should be closed due to insufficient details.



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If HR decides to investigate the matter, the Labor & Employee Relations investigator may use web resources and data both internal and external to UNM, may review documents, and in addition to interviewing the reporter (if known) may interview individuals who could potentially have knowledge about the situation. The investigator may also interview management and administrators who may have relevant knowledge about details mentioned in the complaint.

In a **full investigation**, the implicated person is interviewed, and it is at this time that the implicated person will be made aware of the complaint made about them. If a full investigation is not conducted, the implicated person may or may not be informed of the complaint against them. During the interview process, information regarding what was reported will only be shared on a need-to-know basis. While the identity of a reporter (if known) may not be communicated to the implicated person or witnesses, it may also become evident who an anonymous or non-anonymous reporter is based on the nature of the allegation and questions that are asked.

Upon conclusion of the interviews, an investigation report may be compiled for the administrator overseeing the area where the matter occurred. As previously stated, an investigation report may not be necessary in all cases. However, if one is created, it is also shared with the HR Consultant assigned as an advisor to the administrator's division.

An investigation is considered closed and the reporter is notified when the report is sent to the administrator to effectuate change, when a complaint cannot be substantiated, or when an investigation does not result in a recommendation for resolution due to insufficient details provided.

If recommendations are made in the investigation report, the investigator will meet with the administrator that can effectuate the recommendations. Recommendations may include a referral to Ombuds Services for Staff or Counseling, Assistance, and Referral Services; training; strategic planning; other organizational development activities; performance improvement or disciplinary measures against those who have violated policy. The investigator notifies both the reporter and the implicated person that the investigation is closed and that appropriate action will be taken.

If findings are not substantiated, the investigator notifies both the reporter and the implicated person that the investigation is closed with no findings.

Notice of Allegations

For Any Non-Civil Rights Matter, the employee will receive a Notice of Contemplated Action (NCA) in matters where the contemplated disciplinary action is either suspension or discharge. The NCA states that such contemplated discipline may be appealed through the appeal process for non-bargaining unit employees or through the grievance and arbitration procedure in the relevant collective bargaining agreement for bargaining unit employees. The employee response is in the form of an oral and/or written submission to the employee's supervisor. For more



9 | HAZING, CONT.

information regarding the employee response, refer to the Disciplinary Process for Any Non-Civil Rights Matter and/or the relevant collective bargaining agreement for bargaining unit employees. In these matters, the supervisor should consider the employee's explanation for the problem prior to deciding on whether to take formal disciplinary action.

Staff Sanctions

After the employee has had an opportunity to respond to the notice issued, a determination will be rendered as to whether discipline will be imposed, and the employee will receive a notice of the determination.

UNM provides two separate disciplinary processes for employees who are alleged or found to have violated UNM policy. The applicable process depends on the nature of the alleged policy violations. Final outcomes are determined based on specifics of the case obtained through the fact finding process and are based on escalating and mitigating factors as described in the

HR's Disciplinary Considerations and Guidelines and Disciplinary Matrix. Sanctions for staff range from a letter to improvement to discharge.

If discipline is implemented, bargaining unit employees should refer to the applicable collective bargaining agreement for information regarding their ability to grieve the discipline or non-disciplinary performance improvement actions imposed.

If disciplinary action involves a bargaining unit member, the disciplinary procedures listed in the applicable bargaining unit agreement will be followed.

Appeals for Staff Disciplinary Action

When an employee's discipline imposed is suspension or discharge, the employee may appeal the action. Any employee who is in a bargaining unit position represented by a union should refer to the relevant collective bargaining agreement for a description of the pertinent post-suspension or post-discharge process.

Live Hearing Appeal

A post-probationary regular, term, or contract employee who is in a non-bargaining unit position only may appeal a Notice of Final Action (NFA) for suspension or discharge via this appellate procedure. The appeal is in the form of a live hearing and follows the [Procedures for Live Hearing Appeals of Discipline Issued in Non-Civil Right Matters](#).

The non-bargaining unit employee who wishes to appeal a suspension or discharge must submit a request to the Hearing Office within 10 business days from the date of delivery of the NFA. The employee should include in their request a copy of the NFA and state the reason(s) for the appeal.

For more information regarding the appeal via live hearing for non-bargaining unit employees and support persons, see the [Disciplinary Process for Any Non-Civil Rights Matter](#) and the [Procedure for Live](#)



9 | HAZING, CONT.

Hearing Appeals of Discipline Issued in Non-Civil Rights Matters

Appeals to the University President

If the written determination upholds the supervisor's decision to suspend or discharge an employee, the employee may request a review by the President. The President has discretion to accept the appeal for review.

The employee's request to the President must be made in writing to the President's Office within 10 business days of the date of the written determination. For more information regarding the appeals to the President for non-bargaining unit employees and support persons, see the [Disciplinary Process for Any Non-Civil Rights Matter](#).

Appeal to the Board of Regents

A discharged/suspended employee who is dissatisfied with the President's decision may appeal to the Board of Regents in accordance with [RPM 1.5: Appeals to the Board of Regents](#).

INCIDENTS OF HAZING INVOLVING HARASSMENT, DISCRIMINATION, OR SEXUAL MISCONDUCT

Incidents involving discrimination or harassment based on a protected class, sexual harassment, or sexual misconduct to include a VAWA offense invoke [UAP 2720: Equal Opportunity, Prohibited Discrimination, and Related Misconduct](#), [UAP 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct](#), the [CEEQ Grievance Procedures \(CGP\)](#) and/or UNM's [Administrative Hearing Procedures for Civil Rights Matters](#).

Procedures used to investigate these matters are the same for students and employees and are described in detail in Section 12.



9.6 CAMPUS HAZING TRANSPARENCY REPORT

The University of New Mexico publishes a Campus Hazing Transparency Report ("CHTR") to disclose incidents of hazing involving student organizations that were reported, investigated and resulted in a finding of responsibility for conduct occurring on or after July 1, 2025. The CHTR, made publicly available on the DOSO's [Hazing Resources & Prevention](#) website, provides the name of the student organization, a general description of the violation(s), whether hazing involved the abuse or illegal use of alcohol or drugs, key dates (e.g., when hazing took place [if known], investigation start and end date, when a student organization was notified of the outcome, findings of responsibility, and assigned sanctions (if any)).

Information provided in the CHTR does not include personally identifiable information about any individuals. Student organizations under active investigation do not appear in the report until an investigation concludes with a finding of responsibility. Unconfirmed allegations or

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cases without a finding of responsibility are not included. Additionally, the CHTR does not include incidents involving unrecognized or unaffiliated student organizations. UNM updates the CHTR semi-annually (at least twice a year) and maintain entries in the report for five years.

9.7 HAZING RESOURCES

UNM offers several resources to students and employees impacted by hazing and are encouraged to contact one of the following for help or if they suspect hazing:

Dean of Students Office

505-277-3361

UNM Police Department

505-277-2241

Office of Compliance, Ethics and Equal Opportunity

505-277-5251

Athletics Compliance Office

505-925-5835

Student Activities Center

505-277-4706

Recreational Services

505-277-0178

All members of the UNM community can take advantage of national resources:

- National Hazing Hotline (888-NOT-HAZE or 888-668-4293)
- [Anti-Hazing Education](#)
- [Clery Center](#)
- [Gordie Center](#)
- [Hazing Prevention Network](#)
- [Max Gruver Foundation](#)
- [Stop Hazing](#)
- [Timothy J. Piazza Center for Fraternity and Sorority Research and Reform](#)



10 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

10.1 AN OVERVIEW OF PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

As part of its responsibilities under the VAWA amendments to the Clery Act and the State of [NMSA 21-1-51: Policies and Procedures Addressing Affirmative Consent](#), UNM provides primary ongoing prevention and awareness programs to prevent sexual assault, domestic violence, dating violence, and stalking for all incoming and current students and employees.

“Programs to prevent sexual assault, domestic violence, dating violence, and stalking” means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, dating violence, and stalking that—

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

They include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

PRIMARY PREVENTION PROGRAMS

“Primary prevention programs” are programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

AWARENESS PROGRAMS

“Awareness programs” are community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

ONGOING PREVENTION AND AWARENESS CAMPAIGNS

“Ongoing prevention and awareness campaigns” are programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

10.2 TOPICS COVERED ACROSS UNM'S PREVENTION PROGRAMS AND CAMPAIGNS

UNM's programs and campaigns include, at a minimum, all of the following.

- A statement that UNM prohibits the crimes of dating violence, domestic violence, sexual assault, stalking, as defined by the Clery Act
- The definitions of dating violence, domestic violence, sexual assault, stalking, and consent in reference to sexual activity under New Mexico law and University policy.
- Safe and positive options for bystander intervention.
- Information on risk reduction, which means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

10 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING, CONT.

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

UAP 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct is UNM's policy that states the University will not tolerate dating violence, domestic violence, stalking, sexual assault, retaliation, or other sexual misconduct. UAP 2740 includes these crimes under the definition of "Prohibited Conduct," regardless of whether or not the misconduct falls within the jurisdiction of Title IX and regardless of whether the misconduct is sexual in nature. In other words, UAP 2740 also applies in cases of domestic violence and stalking that are not based on sex or gender.

DEFINITIONS OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, AND CONSENT IN REFERENCE TO SEXUAL ACTIVITY IN NEW MEXICO

This section provides a list of definitions for dating violence, domestic violence, sexual assault, and stalking

in reference to sexual activity as they are defined in New Mexico, which law enforcement uses to pursue charges against an offender in the criminal justice system. Knowing the state of New Mexico laws pertaining to VAWA crimes is useful for helping an individual who have experienced one of these crimes understand their options should they choose to pursue charges through the criminal justice system. UNM encourages anyone who experiences sexual assault, domestic violence, dating violence, stalking, or related misconduct or stalking and wishes to pursue criminal charges to discuss their full list of options with a law enforcement official and/or an attorney.

The definitions used in UNM's procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking are outlined in Appendix A (UAP 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct).



10 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING, CONT.

Dating Violence

There is no separate definition for "dating violence" in New Mexico.

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. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

Domestic Violence

NEW MEXICO CRIMES AGAINST HOUSEHOLD MEMBERS ACT

The **New Mexico Crimes Against Household Members Act** (NM Stat § 30-3-11 et seq.) is the criminal code that outlines specific offenses that are considered misdemeanor or felony crimes when committed against a household member or against someone with whom the offender has a dating or intimate relationship.

As used throughout this section, "household member" means a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship.

Cohabitation is not necessary to be deemed a household member for the purposes of this law.

"Continuing personal relationship" means a dating or intimate relationship.

Assault Against a Household Member (NM Stat § 30-2-12)

"Assault against a household member" consists of:

- An attempt to commit a battery against a household member; or
- Any unlawful act, threat or menacing conduct that causes a household member to reasonably believe

they are in danger of receiving an immediate battery.

Aggravated Assault Against a Household Member (NM Stat § 30-2-13)

"Aggravated assault against a household member" consists of:

- Unlawfully assaulting or striking a household member with a deadly weapon; or
- Willfully and intentionally assaulting a household member with intent to commit any felony.

Assault Against a Household Member with Intent to Commit a Felony (NM Stat § 30-2-14)

"Assault against a household member with intent to commit a violent felony" consists of any person assaulting a household member with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second, or third degree, robbery, kidnapping, false imprisonment, or burglary.

Battery Against a Household Member (NM Stat § 30-2-15)

"Battery against a household member" consists of the unlawful, intentional touching or application of force against a household member when done in a rude, insolent, or angry manner.

Aggravated Battery Against a Household Member (NM Stat § 30-2-16)

"Aggravated battery against a household member" consists of the unlawful touching or application of force against a household member with intent to injure that person or another.

Criminal Damage to Property of Household Member; Deprivation of Property of Household Member (NM Stat § 30-2-18)

"Criminal damage to property of household member; deprivation of property of household member" consists of intentionally damaging real, personal, community or jointly owned property of a household member with the intent to intimidate, threaten or harass that household member.

10 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING, CONT.

NEW MEXICO PROTECTION AGAINST ABUSE AND VIOLENCE ACT

Formerly referred to as the New Mexico Family Violence Protection Act, the **New Mexico Protection Against Abuse and Violence Act** (NM Stat § 40-13 et seq.) is the state's civil statute that governs orders of protection and other domestic violence remedies.

Domestic Abuse (NM Stat § 40-13-2 (D))

"Domestic abuse" means (1) an incident of stalking or sexual assault whether committed by a household member or not; or (2) an incident by a household member against another household member consisting of or resulting in 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, strangulation, suffocation; or harm or threatened harm to children as set forth in this paragraph. It does not mean the use of force in self-defense or the defense of another.

Sexual Assault

The state of New Mexico does not have a separate definition for "sexual assault." Instead, "Sexual Offenses" are outlined as specific criminal offenses as follows.

CRIMINAL SEXUAL PENETRATION (NM STAT § 30-9-11)

"Criminal sexual penetration" is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission. Criminal sexual penetration does not include medically indicated procedures.

As used throughout this section, "force or coercion" means:

- A. the use of physical force or physical violence;
- B. the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats;

- C. the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats;
- D. the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act; or
- E. the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient's consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy.

Physical or verbal resistance of the victim is not an element of force or coercion.

Aggravated Criminal Sexual Penetration

"Aggravated criminal sexual penetration" consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal sexual penetration.

Criminal Sexual Penetration in the First Degree

"Criminal sexual penetration in the first degree" consists of all criminal sexual penetration perpetrated: (1) on a child under thirteen years of age; or (2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

Criminal Sexual Penetration in the Second Degree

"Criminal sexual penetration in the second degree" consists of all criminal sexual penetration perpetrated: (1) by the use of force or coercion on a child thirteen to eighteen years of age; (2) on an inmate confined in a correctional facility

10 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING, CONT.

or jail when the perpetrator is in a position of authority over the inmate; (3) by the use of force or coercion that results in personal injury to the victim; (4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; (5) in the commission of any other felony; or (6) when the perpetrator is armed with a deadly weapon.

Criminal Sexual Penetration in the Third Degree

“Criminal sexual penetration in the third degree” consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section.

Criminal Sexual Penetration in the Fourth Degree

“Criminal sexual penetration in the fourth degree” consists of all criminal sexual penetration: (1) not defined in the sections above perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or (2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

CRIMINAL SEXUAL CONTACT (NM STAT § 30-9-12)

“Criminal sexual contact” is the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one’s intimate parts. Criminal sexual contact does not include touching by a psychotherapist on his patient that is: (1) inadvertent; (2) casual social contact not intended to be sexual in nature; or (3) generally recognized by mental health professionals as being a legitimate element of psychotherapy.

As used throughout this section, “intimate parts” means

the primary genital area, groin, buttocks, anus or breast.

Criminal sexual contact is a misdemeanor when perpetrated with the use of force or coercion.

Criminal Sexual Contact in the Fourth Degree

“Criminal sexual contact in the fourth degree” consists of all criminal sexual contact perpetrated: (1) by the use of force or coercion that results in personal injury to the victim; (2) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; or (3) when the perpetrator is armed with a deadly weapon.

CRIMINAL SEXUAL CONTACT OF A MINOR (NM STAT § 30-9-13)

“Criminal sexual contact of a minor” is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one’s intimate parts.

Criminal Sexual Contact of a Minor in the Second Degree

“Criminal sexual contact of a minor in the second degree” consists of all criminal sexual contact of the unclothed intimate parts of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit; (b) the perpetrator uses force or coercion that results in personal injury to the child; (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon.

Criminal Sexual Contact of a Minor in the Third Degree

“Criminal sexual contact of a minor in the third degree” consists of all criminal sexual contact of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit; (b) the perpetrator uses force or coercion which results in personal injury to the child; (c) the perpetrator uses

10 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING, CONT.

force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon.

Criminal Sexual Contact of a Minor in the Fourth Degree

“Criminal sexual contact of a minor in the fourth degree” consists of all criminal sexual contact: (1) not defined as “criminal sexual contact of a minor in the third degree”, of a child thirteen to eighteen years of age perpetrated with force or coercion; or (2) of a minor perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Stalking

NEW MEXICO HARASSMENT AND STALKING ACT

The **New Mexico Harassment and Stalking Act** (NMSA § 30-3A-1 through § 30-3A-4) is the criminal code that outlines specific offenses having to do with harassment and stalking. The provisions of this statute do not apply to picketing or public demonstrations that are lawful or that arise out of a bona fide labor dispute, or a peace officer in the performance of his duties.

Harassment (NM Stat § 30-3A-2)

“Harassment” consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

Stalking (NM Stat § 30-3A-3)

“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, confinement or restraint of the individual or another individual.

Aggravated Stalking (NM Stat § 30-3A-3.1)

“Aggravated stalking” consists of stalking perpetrated by a person: (1) who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking; (2) in violation of a court order setting conditions of release and bond; (3) when the person is in possession of a deadly weapon; or (4) when the victim is less than sixteen years of age.

Consent in Reference to Sexual Activity

POLICIES AND PROCEDURES ADDRESSING AFFIRMATIVE CONSENT

The **New Mexico Policies and Procedures Addressing Affirmative Consent** (NMSA § 21-1-51) requires post-secondary educational institutions to adopt policies and procedures that reference an affirmative consent standard.

Affirmative Consent (NM Stat § 21-1-51(C)(1))

“Affirmative consent” as the affirmative, conscious and voluntary agreement to engage in sexual activity. Consent can never be given by a party who is asleep, unconscious, incapacitated due to the influence of drugs, alcohol or medication or unable to communicate due to a mental or physical condition. It cannot be implied, assumed or inferred from silence or lack of protest or resistance, and consent can be revoked at any time. The existence of a dating relationship or sexual relations shall not alone be affirmative consent.

SAFE AND POSITIVE OPTIONS FOR BYSTANDER INTERVENTION

“Safe and positive options for bystander intervention” refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes

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recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Protect the Pack!

Safety both on and off campus is a community effort. UNM recognizes that as students and employees engage in campus life, there might be situations that put them more at risk than others. In addition to knowing where to get help if you find yourself in a dangerous situation such as calling UNMPD or activating a blue light phone, it is vital for all community members to familiarize themselves with other ways they can avoid harm and empower others. For example, the UNM SAFE app is a tool that allows for users to send an “I’m OK” message or location to a trusted friend or family member, chat with UNMPD dispatch, submit a tip, or trigger a call to emergency services on behalf of someone else as an active bystander.

THE ACTIVE BYSTANDER

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 escalate. This person may be in a position to discourage, prevent, or interrupt unacceptable behavior.

The bystander has two options: to remain a passive bystander who observes but does not intervene in any way or become an active bystander.

STEPS TO BECOMING AN ACTIVE BYSTANDER

Notice a situation or a person’s behavior that is out of the ordinary or potentially dangerous. 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?

Assess your options for providing help. Use your words; never use violence to end violence.

Determine the potential risk(s) of taking action.

- Are there risks to myself and/or others?

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- Is there a low-risk option?
- How could I reduce risks?

Determine how to implement your choice(s) safely.

Examples of ways to intervene include but are not limited to:

- Changing the subject during a conversation to interrupt humiliating or demeaning comments,
- Checking in on a student you are concerned about,
- Deleting inappropriate posts,
- Posting, liking, or sharing positive comments,
- Delegating to someone else to help,
- Directly calling out a coercive comment, and
- Getting someone home who is vulnerable.

INFORMATION ON RISK REDUCTION

"Risk reduction" refers to options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Depending on the individual and their community, people in all walks of life can be at risk of exposure to interpersonal violence. Experiences or circumstances that may make it more likely for someone to commit or experience sexual assault, domestic violence, dating violence, or stalking include an unstable family dynamic, prior abuse or being exposed to abusive behavior in the past, isolation or weak social connections, bullying, addiction, homelessness, mental health issues, and poverty. Reducing these risks can help nurture a culture of respect and reduce the likelihood of interpersonal violence taking place. All community members can help effect positive cultural change both on and off campus by promoting healthy approaches to relationships, intimacy, and problem solving and interrupting cycles that perpetuate violence.

HEALTHY RELATIONSHIPS

In most healthy relationships, family, friends, and intimate partners communicate openly, listen with intent, develop trust, and encourage each other to grow. They establish

boundaries and acknowledge the need for individual space—whether it be physical or emotional. When difficult situations arise or trauma surfaces (such as the death of a loved one), they help each other maintain healthy habits while coping with the stress or suffering. UNM encourages all community members to take advantage of University resources such as the [LoboRESPECT Advocacy Center \(LRAC\)](#), [Women's Resource Center \(WRC\)](#), or the [Arcoíris Center](#) for workshops and information on signs of healthy and unhealthy relationships.

In the 2025, the New Mexico Department of Health also released a [Healthy Relationship video series](#) which centers on youth building healthy relationships with themselves, family, friends and romantic partners. The 16-video series includes topics such as, "[I Need Some Space](#)," "[Maintain Your Sense of Self](#)," and "[Feeling Lonely? Science-Backed Tips for Social Support](#)."

INTIMACY

Intimacy can be a strong component of a social or romantic relationship. The level to which every individual is comfortable showing varying degrees of intimacy is unique to every person. Creating and nurturing a culture of consent and understanding the parameters of how it is defined in one's community is one way individuals can help reduce interpersonal violence, especially in intimate situations where no third party is present to intervene.

Contemplate your needs when it comes to openness and intimacy. What are your physical boundaries? Just as importantly, what are your conversational boundaries? How do you get to a place of trusting someone else? Conversely, what are your partner's physical and conversational boundaries? What are some ways you can be trustworthy to them and others?

Be open about discussing consent and boundaries in your relationships. Talk about how consent plays a role in different scenarios that might arise in the future and revisit them as regularly as you and the other person are willing and comfortable.

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Consent can broaden, or it can even push and pull across the course of a relationship. During an intimate encounter, it can be granted, withheld, or withdrawn at any point by either person. During intimacy, it is important for each person to set aside what they think they may know about what the other wants. If someone is expressing themselves, actively listen to what they are telling you—or what it sounds like they are trying to get across. Pay attention to their body language, too. Someone's nonverbal cues might be the main (or only) way for them to communicate their discomfort in an intimate situation.

Verbally acting out the giving, withholding, or withdrawing consent either in the mirror or with a trusted friend develops confidence for future interactions. This type of practice also gives your mind and body a positive point of reference in real-life situations so that you are not expressing yourself for the first time in an intimate setting.

If someone else decides not to engage in intimate behavior with you, don't take it as an affront to you. Similarly, if someone is intimate with you and decides to withdraw their consent or discontinue the relationship, seek out healthy ways of unpacking their wishes. Try to put yourself in their shoes. Their decision not to consent or to withdraw consent can be for any variety of reasons. It might even be in response to something completely unrelated or to a way in which they were treated by someone in the past.

Keep in mind that the laws about consent vary by state and situation. It can make the topic confusing, but you don't have to be a legal expert to understand how consent plays out in real life. In New Mexico, [NMSA 21-1-51: Policies and Procedures Addressing Affirmative Consent](#) requires post-secondary educational institutions to adopt policies and procedures around affirmative consent and defines "affirmative consent" as the affirmative, conscious and voluntary agreement to engage in sexual activity. Similarly, UNM's affirmative consent policy defines consent as an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. For more information about UNM's policy on consent to sexual activity, visit [UAP 2740: Sex Discrimination Including](#)

[Sexual Harassment and Other Prohibited Conduct](#).

NON-VIOLENT PROBLEM SOLVING

Being in a healthy relationship does not mean never having a disagreement with a family member, friend, or intimate partner. On the contrary, resolving disagreements or misunderstandings in a healthy manner can help family, friends, and intimate partners develop mutual respect and growth, making it less likely that they try to solve disagreements using violence in the future.

Different people bring different experiences and perspectives to solving problems. Staying connected with caring adults at school, work, or a living or faith-based community can provide opportunities for someone facing obstacles to explore healthy options for overcoming them.

Resources such as counseling services on campus and in the community can help individuals learn practical, beneficial, deliberate, and non-violent coping skills unique to situations they might face. Such coping skills might also involve reducing one's reliance on drugs or alcohol or avoiding situations where one might be exposed to someone under the influence who is incapable of resolving conflict without violence.

In situations where conflicts resurface, it is helpful to step back and try to get at what the root cause might be. Finding ways to treat the problem as separate from the people involved can reduce their inclination to argue or use violence each time the problem arises.

Using "I" statements when having difficult conversations, rather than using language that places blame, can encourage open dialogue in which those involved feel respected and can take responsibility for their own emotions rather than resorting to blame or violence.

INTERRUPTING RISK CYCLES

Showing support for at-risk individuals, making them feel welcome, and helping them stay connected to the community by providing a safe environment in which they can express themselves and take advantage of resources

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is one way to interrupt risk cycles of violence in society. Embracing informal mentorship and formal mentorship programs between caring adults and at-risk individuals can help make them less vulnerable to violence. Incorporating services, events, and activities that engage entire families in a safe, supportive environment can also help service providers eradicate ongoing violence in the community. Counseling, mental health, safety planning, and other support resources on campus and in the community offer safe places people can talk through past experiences that affect their current and future relationships. At UNM, there are many caring, confidential sites where anyone can get help. See page 70 for a list of these sites and pages 90 through 100 for a complete list of resources on and off campus at all of UNM's locations.

Lean on support systems you have at school, work, and your personal life and be a support to others. If you are more introverted than others, stay connected with someone in your life who is more social than you are.

Seek agency and purpose in your school, work, and personal life and help others do the same.

Connect with a caring adult and check in with them regularly about your wellbeing. If you are a caring adult, set a positive example for others and mentor where you can.

PROCEDURES FOR INSTITUTIONAL DISCIPLINARY ACTION IN CASES OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

The University of New Mexico promptly and equitably responds to all reports and formal complaints of prohibited Conduct to take steps to eliminate the misconduct, prevent its recurrence, and address its effects on any individual where the law or UNM policy requires or allows, or the community in general, in accordance with [UAP 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct](#). UNM's procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking are described at length in Section 12: Incidents Involving



Dating Violence, Domestic Violence, Sexual Assault, and Stalking.

10.3 UNM'S PRIMARY PREVENTION AND AWARENESS PROGRAMS FOR INCOMING STUDENTS AND NEW EMPLOYEES

The Grey Area Training

On October 17, 2016, the University of New Mexico entered into an agreement with the U.S. Department of Justice to refine UNM's policies regarding sexual harassment and misconduct on campus. As a part of this agreement, UNM provides a mandatory sexual misconduct prevention and bystander intervention training, The Grey Area, to all qualified UNM students. The Grey Area is a one-time, in-person or virtual session that is required of all UNM students currently enrolled in a degree-

**THE
GREY
AREA**

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granting program with a regular presence on campus. This includes students that are enrolled at the Health Sciences Center and UNM Law School.

Prevention of Sexual Harassment and Discrimination: Gateway

This mandatory, online course prepares faculty and staff to cultivate and maintain a workplace culture resistant to discrimination, harassment, and retaliation. It equips employees with the information and skills that promote intervention, empathy, and allyship.

10.4 UNM'S ONGOING PREVENTION AND AWARENESS CAMPAIGNS FOR STUDENTS AND EMPLOYEES

Green Dot for College

Green Dot for College is a customizable, evidence-based curriculum in Bystander Intervention Best Practices at UNM. Through this national program tailored to the needs of UNM, participants learn how to recognize the problem associated with problematic behavior that often leads to interpersonal violence, identify personal and relationship or social barriers that prevent them from intervening, intervene safely, and strengthen positive campus community norms.

Student-facing staff, students, and all who care to understand the principles of how we build a culture of consent are invited to contact the [Women's Resource Center](#) for more information about UNM's Green Dot program and workshop offerings.

All-In: Action in Our Community

This one-hour LRAC workshop was developed in order to increase active bystander tendencies among peers. This interactive, fast-paced module can be fitted for general use or tailored to fit scenarios specific to different student populations. Attendees are challenged to consider common barriers to bystander intervention, helpful bystander strategies, as well as resources available at UNM.

Weekly Advocacy Events

The WRC hosts events like Manicure Mondays and Crafternoons on a weekly basis, as well as support group meetings for students who have experienced eating disorders and interpersonal violence. WRC Advocates also facilitate anonymous live chat sessions for survivors of crime. For more information, contact the WRC directly at 505-277-3716, view their online [WRC events calendar](#), or visit them in person on the southeast side of Mesa Vista Hall.

Finding the Line: Clear Boundaries. Healthy Relationships.

LRAC's one-hour workshop on healthy relationships aims to raise awareness about the frequency of intimate partner and relationship violence, while emphasizing skill-building. Attendees are given the opportunity to practice recognizing healthy, unhealthy, and abusive behaviors, to learn more about what healthy and unhealthy boundaries look like, and to identify strategies for supporting a friend who may be in an unhealthy partnership.

Prevention Workshops and Trainings

Throughout the year and each September during Campus Safety Week, various offices host workshops, trainings, social media posts, tabling, and movie screenings to promote the prevention of sex-based and interpersonal violence. Topics include dating violence prevention, safety planning, and personal safety. Various offices on campus such as the [Office of Compliance, Ethics & Equal Opportunity \(CEEEO\)](#), UNM [Women's Resource Center \(WRC\)](#), the [Arcoiris Resource Center](#), and LRAC can also customize unique training for different student groups on campus. Examples of topics include healthy relationships, consent, and active bystandership.

Safe Zone Training

This four-hour training offered by the LGBTQ Resource Center covers topics for students such as intersections of Identity, microaggressions, the coming out process, creating equitable spaces for transgender individuals, violence prevention, and more. Specialized trainings in the medical community and mental health providers are forthcoming.

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Red Zone Awareness

Though UNM Newsroom, UNM students are encouraged to take a stand against The Red Zone and create a cultural shift against sexual misconduct on campus and in the community between the months of August and November when more than half of college sexual assaults occur.

"Can I talk to you?": Holding Tough Conversations

In this 1-hour workshop, we discuss major touchstones of skillful listening including how to ask open-ended questions, how to affirm strengths, and how to employ reflection. Attendees are given the opportunity to practice these skills as well as learning how and when to pass the conversation to a professional staff person.

Social Media Campaigns

Various offices and centers across campus promote awareness campaign like those listed below on their departmental social media accounts to enhance awareness about sexual assault, domestic violence, dating violence, and stalking among students.

- January: Stalking Awareness Month
- April: Sexual Assault Awareness Month
- September: National Campus Security Awareness Month
- October: Domestic Violence Awareness Month

Fundraisers and Awareness Events

Certain departments on campus such as the Women's Resource Center host fundraisers to raise awareness about issues like sexual violence, domestic violence, dating violence, and stalking. Funds go toward a victim or victim's family of the hosting department's choosing.

Social Media Campaigns

Various offices and centers across campus promote awareness campaign like those listed below on their departmental social media accounts to enhance awareness about sexual assault, domestic violence, dating violence, and stalking among employees.

- January: Stalking Awareness Month
- April: Sexual Assault Awareness Month
- September: National Campus Security Awareness Month
- October: Domestic Violence Awareness Month

Digital Assets

Various departments spearheading awareness campaigns across campus make Zoom/Teams backgrounds, email signatures, and other digital graphics available to download and incorporate into employees' daily online communications.



11 | INCIDENTS INVOLVING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

11.1 A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM

The following section is *A Survivor's Guide to Rights & Options at UNM*, which is UNM'S one-stop resource for information about the rights of students and employees after they have experienced an incident involving dating violence, domestic violence, sexual assault, or stalking. It is available to all students and employees in pdf and e-book formats on the [Office of Compliance, Ethics & Equal Opportunity](#)'s webpage and in print upon request. It is also disseminated to students and employees through a variety of campus programs designed to prevent these crimes.



The *Guide* includes:

- Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about—
 - The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
 - How and to whom the alleged offense should be reported;
 - Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to—
 - Notify proper law enforcement authorities, including on-campus and local police;
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - Decline to notify such authorities; and
 - The rights of victims and the University's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.
- Information about how the University will protect the confidentiality of victims and other necessary parties, including how it will—
 - Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and
 - Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of UNM to provide the accommodations or protective measures.
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration

11 | INCIDENTS INVOLVING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING, CONT.

assistance, student financial aid, and other services available for victims, both within the institution and in the community.

- Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. UNM makes such accommodations and provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Each type of disciplinary proceeding used by the University; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding.
- How to file a disciplinary complaint.
- How UNM determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking.
- A description of the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking.
- A list all of the possible sanctions that the University may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking.
- A description of the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking.
- An explanation of parties' assurances throughout the process, as outlined in Section 12.

11.2 WRITTEN NOTIFICATION OF RIGHTS & OPTIONS

When a student or employee reports to a University official that they have been a victim of sexual assault, domestic violence, dating violence, or stalking, regardless

of whether offense occurred on or off campus, UNM will directly provide the student or employee with the University's procedures for disciplinary action as well as a direct link to and/or a printed copy of [*A Survivor's Guide to Rights & Options at UNM*](#).

11.3 DISCLOSURE OF THE RESULTS OF DISCIPLINARY PROCEEDINGS

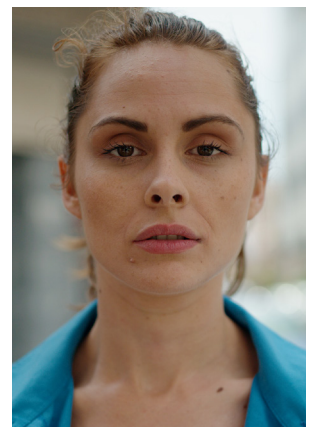
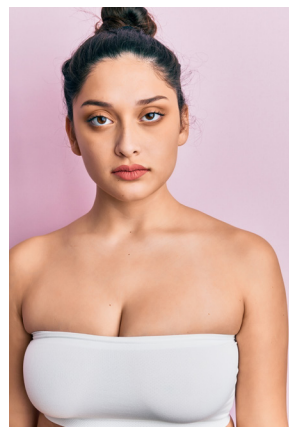
UNM will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

11.4 PROTECTING YOUR CONFIDENTIALITY

Whether or not you ask to remain anonymous when reporting an incident of alleged sexual assault, domestic violence, dating violence, or stalking to a University official, a victim's personal information is always held confidential and is never published or provided in any crime statistic, crime log, or campus notification. UNM maintains as confidential any accommodations or protective measures provided to the victim of an alleged VAWA offense, to the extent that maintaining such confidentiality would not impair the ability of the University to provide accommodations or protective measures. UNM will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). If information needs to be shared among UNM officials, it must be on a need-to-know basis and as authorized under University Administrative Policy and federal and state law.



A Survivor's Guide to
RIGHTS & OPTIONS



First Steps to Consider

If you need medical assistance, don't wait.

More medical facilities are listed in the On-Campus and Community Resources sections.



UNM Hospital

2211 Lomas Blvd NE
Albuquerque, NM 87106
505-272-2111



Sandoval Regional Medical Center

3001 Broadmoor Blvd NE
Rio Rancho, NM 87144
505-994-7000



Presbyterian Hospital

1100 Central Ave SE
Albuquerque, NM 87106
505-841-1234



Veteran Affairs Health Care

1501 San Pedro Dr SE
Albuquerque, NM 87108
505-265-1711

Any healthcare professional can treat injuries and take necessary steps to address concerns of pregnancy and/or sexually transmitted infections. However, only specially trained **Sexual Assault Nurse Examiners (SANE Nurses)** can collect forensic evidence, which they may be able to do for up to five (5) days after an assault. **This evidence, which may only be available immediately after an incident involving assault, can be saved aside regardless of whether you choose to report the incident immediately, at a later time, or never at all.** *The police can provide transportation, even if you do not want to file a police report.*



Albuquerque SANE

625 Silver Ave SW, 2nd Floor
Albuquerque, NM 87102
505-884-SANE (7263)
info@abqsane.org

Before your visit to SANE, **try to avoid:**

- ✗ Washing or changing out of the clothes or underwear you wore during or after the incident
- ✗ Cleaning any part(s) of your body, including hands
- ✗ Using a douche or tampon
- ✗ Cleaning the room or linens where the incident occurred
- ✗ Eating or drinking



THE IMPORTANCE OF PRESERVING EVIDENCE

It is not uncommon for a survivor to forget details about an assault or other significant event, or to not want to report it. Even if you do not want to participate in a criminal or administrative process right away, you might change your mind later. Taking the time to document everything can help you reconstruct a timeline of events should you wish to describe what happened down the road. Preserving evidence within the hours and days following an incident **may also assist in proving a criminal offense occurred or may be helpful in obtaining a protection order.** It also helps University officials determine whether a policy violation occurred should you wish to participate in the administrative grievance process.



Here are some tips:

- ☐ Urinate as soon as possible in an airtight container instead of the toilet and keep it with you. Forensic examiners can test the urine at a time of your choosing for illicit substances such as Rohypnol (“roofies”).
- ☐ Ask a trusted friend or family member to help you take photos of any bruising, scratches, or other physical injuries you suffered from the incident.
- ☐ Write down the names of people who might have seen you immediately before or after the incident, people with whom you talked about the abuse, misconduct, or incident, or people who you believe could serve as a witness.
- ☐ Save all text messages, emails, videos, photos, call logs, social media posts (screenshots can be helpful), and any other relevant information that helps document the other person’s behavior.
- ☐ Take photos of any property damaged by the perpetrator.
- ☐ Maintain a log of the time(s) you interacted with the perpetrator or they attempted to contact you. 

DATE	TIME	DESCRIPTION OF INCIDENT	LOCATION OF INCIDENT	WITNESS(S) (ATTACHED ADDRESS & PHONE #)	LAW ENFORCEMENT CALLED (REPORT #)	OFFICER NAME (BADGE #)



RESTRAINING ORDERS

A Restraining Order is a court order that restricts someone from threatening, harassing, contacting, or going near you or your family, or even from having a gun. They are put in place for those who are worried about their safety because someone stalked, threatened, abused, or assaulted them. You do not need a lawyer to obtain one.

A **Domestic Violence Order of Protection** is a type of Restraining Order the court issues for someone whose household member has abused or threatened to abuse them, regardless of whether they live together, or for someone who has been stalked or sexually assaulted by someone who is not a household member. It can include provisions for custody and visitation of the parties' children, child support, and exchange of personal property.

A **Civil Harassment Restraining Order** (Temporary Restraining Order, or TRO) is another option for when you don't have any kind of relationship with the other person. A court may grant a Restraining Order after it receives a statement in the form of a petition or affidavit from a petitioner (the person requesting it).

Every District Attorney's office in the State of New Mexico has a Victim Advocate who can help with forms and applications, accompany victims to court, and provide notices and reminders to the victim about hearing dates and an offender's custody status.

NO CONTACT DIRECTIVES

Unlike a Restraining Order which only a court can issue and enforce, a **No Contact Directive (NCD)** is an administrative, interim protective measure between two or more persons affiliated with UNM. The NCD is a means of preventing unwanted direct or directed contact and communication and serves as a way to help prevent harassment or disruptions to the learning environment within the University setting.

The NCD is not an Order of Protection and the University has no authority to limit contact and communication with someone unaffiliated with the University. The **Dean of Students Office (DOSO)** issues NCDs for students and works with officials at the Health Sciences Center colleges, the School of Law, and Branch Campuses to issue NCDs for students in these programs. Students can request an NCD from DOSO directly (505-277-3361 or doso@unm.edu). Both students and employees can also request an NCD as a supportive measure from the Office of Compliance, Ethics & Equal Opportunity (CEEEO) (505-277-5251 or ceo@unm.edu). To report a violation of an NCD, contact the office issuing the directive.

TO REQUEST AN NCD THROUGH A CONFIDENTIAL RESOURCE:

- LoboRESPECT Advocacy Center: 505-277-2911 | loborespect@unm.edu
- Arcoiris Center: 505-277-5428 | arcoiris@unm.edu
- Women's Resource Center: 505-277-3716 | women@unm.edu
- Vassar House: 505-506-0604 | vassarhouse@salud.unm.edu
- Learning Environment Office: 505-272-7867 | hsc-leo@salud.unm.edu

UNM'S RESPONSIBILITIES IN RELATION TO ORDERS OF PROTECTION

UNM encourages anyone who petitions for (requests) an Order of Protection to provide a copy of their petition to the University of New Mexico Police Department. In addition to maintaining a hard copy for the petitioner so it is always accessible in the event of a technological failure, UNMPD can help with:

- Obtaining an Order and, when the respondent lives on or near campus, assisting with serving the order to the respondent,
- Locating a Domestic Violence Advocate to assist you through the court hearing proceedings and driving you to your meetings with them, and
- Conducting extra patrols at your residence if you reside on campus (or working with external agencies to help if you live off campus).



REPORTING AN INCIDENT TO LAW ENFORCEMENT

UNM strongly encourages all members of the community (faculty, staff, students, and visitors) to report any crimes immediately to law enforcement. However, the University also recognizes that victims have a choice to make such a report and have the right to report anonymously or even decline police notification or involvement. Any information you provide is only shared among UNM officials on a need-to-know basis and as authorized under University Administrative Policy and applicable federal and state law. Public records such as UNM's daily crime log never include personally identifying information about victims.

! If you or someone else is in immediate danger, dial 911.

If you or someone else is in immediate danger, dial 9-1-1.

UNM Health Sciences strongly encourages all members of the community (faculty, staff, students, and visitors) to report any crimes immediately to law enforcement. However, the University also recognizes that victims have a choice to make such a report and have the right to report anonymously or even decline police notification or involvement. Any information you provide is only shared among UNM officials on a need-to-know basis and as authorized under University Administrative Policy and applicable federal and state law. Public records such as UNM's daily crime log never include personally identifying information about victims.

HOW DO I MAKE A POLICE REPORT?

To report a crime to law enforcement, UNM recommends calling the non-emergency number of the agency that has primary jurisdiction where the incident occurred.

CAN SOMEONE HELP ME REPORT TO POLICE?

Yes. You have the right to be assisted by campus authorities in notifying law enforcement authorities at any time if that is what you choose to do. You also have the option to decline to notify such authorities. For help with connecting with law enforcement, contact the Office of Compliance, Ethics & Equal Opportunity at 505-277-5251.

CAN SOMEONE HELP ME REPORT TO POLICE?

Yes. You have the right to be assisted by campus authorities in notifying law enforcement authorities at any time if that is what you choose to do. You also have the option to decline to notify such authorities. For help with connecting with law enforcement, contact the Office of Compliance, Ethics & Equal Opportunity at 505-277-5251.

WHAT CAN I EXPECT AFTER REPORTING?

A patrol Officer is typically the first to respond and speak with the person reporting a crime, along with any other parties present. Depending on the situation, a detective may be the first to respond and, in some cases, a victim might have to repeat what happened to them more than once. In addition to the victim's statement, Officers will try to gather evidence and information from other parties, such as suspects or witnesses, to build a case that is strong enough for the District Attorney's Office to prosecute in court.

LOCAL POLICE AGENCIES



RIO RANCHO POLICE

505-891-7226
500 Quantum Rd NE
Rio Rancho, NM 87124



SANDOVAL COUNTY SHERIFF'S OFFICE

505-867-4581
7255 Oersted Rd NE
Rio Rancho, NM 87144



REPORTING AN INCIDENT TO THE UNIVERSITY, UNM'S RESPONSE, AND PROCEDURES FOR DISCIPLINARY ACTION

▶ REPORTING AN INCIDENT TO THE UNIVERSITY

The **Office of Compliance, Ethics & Equal Opportunity (CEEEO)** is the independent, impartial, and neutral campus office designated to respond administratively to allegations of any Violence Against Women Act (VAWA) crime (dating violence, domestic violence, sexual assault, or stalking), **regardless of where the incident occurred**. Anyone can report alleged dating violence, domestic violence, sexual assault, or stalking by visiting the CEEEO office during regular business hours at 609 Buena Vista Dr NE, Albuquerque, NM 87106, calling CEEEO during regular business hours at 505-277-5251, emailing CEEEO at ceeo@unm.edu, or using the UNM EthicsPoint Hotline online at unm.ethicspoint.com or by calling 1-888-899-6092. The **Title IX Coordinator, Beckham Rivera, JD**, can also be reached directly at barivera@unm.edu.

▶ UNM'S RESPONSE TO REPORTS AND COMPLAINTS OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING TO INCLUDE PROCEDURES FOR INSTITUTIONAL DISCIPLINARY ACTION

Once CEEEO receives a report, a staff member will reach out to the complainant (alleged victim) with information regarding their rights and options. At this stage, CEEEO encourages the complainant to invite someone to act as their **support person**. A support person is any person of the complainant's choosing who may accompany them to CEEEO proceedings, help guide them through the CEEEO process, and provide personal support, guidance, or advice. A support person cannot speak or otherwise participate in a CEEEO meeting, but they can take notes during meetings and help a complainant or respondent understand the process, prepare questions, and stay organized.

In most cases, the CEEEO staff member will conduct a follow-up virtual or in-person **preliminary meeting** with the complainant and their support person. The purpose of the preliminary meeting is to allow CEEEO to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full investigation interview. After the complainant or Title IX Coordinator makes a process election, CEEEO determines whether it has jurisdiction over the matter. Together, the initial review and providing notice of jurisdiction to the parties generally take no more than 10 business days.

❑ PROCESS ELECTION

The CEEEO staff member will then invite the complainant to complete CEEEO's online or paper **Post-Intake Form** where they may submit their preference to either:

- Leave the report as **informal** and information only; or
- File a **formal complaint**, which is what begins the complaint resolution process.

If a complainant chooses not to make or move forward with a formal complaint, the University reserves the right to move forward with the complaint resolution process to protect the safety and welfare of the community.

Regardless of which option a complainant chooses or which direction CEEEO decides to take, a complainant has the right to request tailored, reasonably available supportive measures that will help them continue learning and/or working at UNM. Individuals who experience potential misconduct also have the option to obtain confidential support from the sites listed on page 87. Additionally, UAP 2740 prohibits **retaliation** against any individual who decides to participate (or not participate) in a CEEEO matter or any other civil rights-related activity.

❏ NOTICE OF JURISDICTION

Once there is a formal complaint, the Title IX Coordinator will assess the allegations to decide whether, if substantiated, they would constitute a violation of policy that is jurisdictional to CEEO. If the complaint is jurisdictional, a CEEO investigator will provide a written notice of allegations (referred to as a “Notice of Jurisdiction”) to the parties who are known. The written notice will include information about the allegations and the University’s complaint resolution process, a statement that the respondent is presumed not responsible for the alleged conduct, an invitation to identify a support person and request supportive measures, and more. CEEO will also invite the respondent and their supportive person to participate in a preliminary meeting to discuss the process.

Title IX Jurisdiction

Alleged misconduct falls within the jurisdiction of **Title IX of the Education Amendments of 1972** if all of the following **criteria** are met:

- The conduct is based on the complainant’s actual or perceived sex, including conduct based on sex stereotypes, sex characteristics, gender, pregnancy and related conditions, sexual orientation, or conduct that is sexual in nature.
- The conduct took place on campus or on property owned or controlled by UNM, at a UNM-sponsored event, in a building owned or controlled by UNM or a UNM-recognized student organization, utilizing UNM networks or technology, or circumstances over which UNM exercised substantial control over both the respondent and the context in which the alleged conduct occurred.
- The complainant was participating or attempting to participate in UNM’s educational programs or activities at the time alleged conduct occurred.
- The respondent is a member of the UNM community.
- The misconduct occurred within the United States.

Non-Title IX Jurisdiction

CEEEO may still address potential misconduct even if it does not meet all of the Title IX jurisdictional requirements above. Regardless of where the alleged misconduct occurred, dating violence, domestic violence, sexual assault, or stalking is still considered jurisdictional to CEEEO outside of Title IX if at least one of the parties involved is affiliated with the University through enrollment, employment, or contact and at least one of the following **conditions** is met:

- The conduct occurred in the context of a UNM employment or educational program or activity; or
- The conduct has continuing effects on campus or in an off-campus sponsored program or activity.

Even when the report is considered nonjurisdictional because the respondent is unaffiliated with UNM, a current or prospective student or employee is still entitled to supportive and protective measures after filing a report.

❏ DISMISSAL & WITHDRAWAL

If, at any point, available evidence shows that the matter does not meet jurisdictional requirements or if the respondent is no longer affiliated with UNM, CEEEO may **dismiss** a complaint. In the event CEEEO dismisses all or part of a formal complaint, it will simultaneously issue a dismissal letter to the parties, summarizing the justification for the dismissal. A complainant may also elect to **withdraw** their complaint at any time.





▶ FOLLOWING A FORMAL COMPLAINT

University Administrative Policy (UAP) 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct and the **CEEO Grievance Procedure (CGP)** dictate the process by which UNM responds to a formal complaint of alleged dating violence, domestic violence, sexual assault, or stalking. While the process varies based on the election the complainant and/or CEEO chooses, **the resolution process is the same for all UNM students, faculty, and staff and prevails in student conduct cases across other parts of campus** (Health Sciences Center, School of Law, etc.). Upon filing a formal complaint, a complainant can request either an:

- An **alternative resolution** process, including but not limited to mediation; or
- An **administrative investigation**, which has the potential to result in a live administrative hearing.

❑ ALTERNATIVE RESOLUTION

An **alternative resolution (AR)** 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. This is an informal process where an administrative investigation is not conducted, and the allegations are neither corroborated nor contested. An AR is not disciplinary in nature and generally will take no more than 20 business days. Certain circumstances may prevent an alternative resolution from moving forward.

❑ ADMINISTRATIVE INVESTIGATION

If a complainant or CEEO elects an investigation, one or more trained and impartial investigators will conduct a prompt and equitable investigation. During an investigation, CEEO acts as a neutral finder of facts. The investigator conducts interviews with the complainant, respondent, and any witnesses, gathers evidence, and compiles an Investigative Report. After both parties have had a chance to review it and add any new information they may have, CEEO concludes the investigation, finalizes the Investigative Report, and provides it simultaneously to both parties and forwards the report to the UNM **Office of Administrative Hearings (OAH)**. The University will strive to complete an investigation within 60 to 90 business days from the date the formal complaint was filed. This timeframe may be extended depending on the circumstances of each case.

AMNESTY

*UNM encourages reporting of misconduct and crimes by complainants and witnesses. Sometimes, complainants, respondents, and witnesses are hesitant to report to UNM officials or participate in grievance processes because they fear that they themselves may be in violation of certain University policies, such as underage drinking or use of illicit drugs at the time of the incident. To encourage reporting and participation, UNM maintains a policy of offering parties and witnesses **amnesty** from minor UNM policy violations, such as underage consumption of alcohol or the use of other illicit drugs, related to the incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.*

❑ LIVE ADMINISTRATIVE HEARING

The **UNM Hearing Officer (HO)** presides over a **live hearing** to adjudicate the complaint and determine whether the respondent's alleged behavior violated UNM policy. Both the complainant and respondent are required to have an advisor of their choice present at the administrative hearing to conduct cross-examination and other questioning on their behalf. If either party is unable to obtain an advisor, or requests the OAH to appoint an advisor, the OAH will provide an advisor for that party without fee or charge. The HO reaches a determination by examining the evidence in CEEO's Investigative Report, listening to statements, and applying a **preponderance of the evidence standard**. If the HO finds someone responsible by applying this standard, it means they determined it was more likely than not the person was engaged in the behavior for which they were accused. The OAH notifies both parties in writing about the HO's Final Determination simultaneously.

❑ APPEALS

Either party may **appeal** a dismissal, final determination, and/or sanction in writing to the Office of the President within seven business days of the date the applicable decision was issued if they believe a conflict of interest, bias, or procedural irregularity affected the outcome. A party may also petition the Board of Regents for an appeal of the President's decision within 10 days after the President's decision is issued.

❑ REMEDIES & SANCTIONS (DISCIPLINARY ACTION)

If the HO makes a determination that the respondent violated UAP 2740, the complainant may also be provided with **remedies** to maintain their equal access to the working and learning environment in addition to supportive measures they may have in place. Unlike supportive measures, remedies can take the form of disciplinary measures for the respondent. The HO will also coordinate with the most appropriate University office to issue a **sanction** (disciplinary action or actions) that is appropriate and consistent with the findings. The sanctioning authority must consult with the Title IX Coordinator prior to finalizing any disciplinary action. Someone who is found responsible for a violation of policy involving sexual assault, domestic violence, dating violence, or stalking is subject to any of the following. Definitions for all sanctions are available in **UAP 2740** and are subject to change based on policy updates.

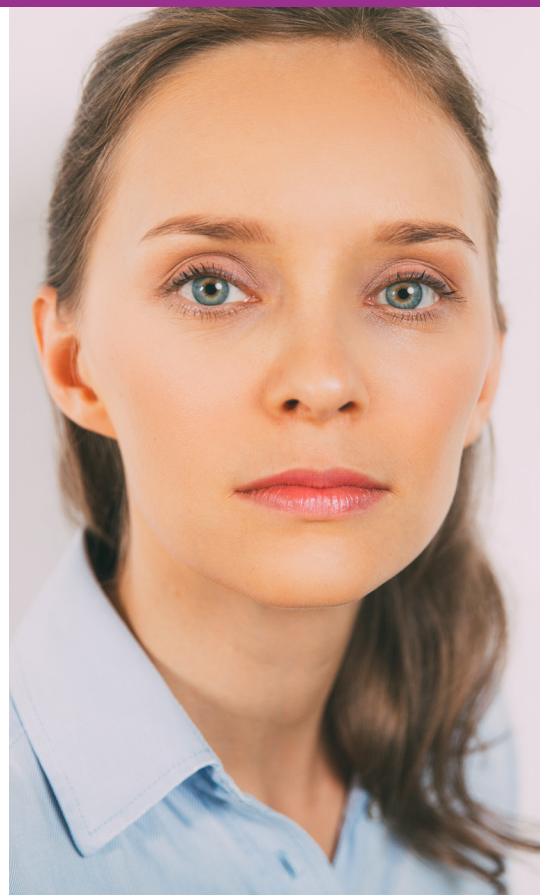
Sanction Type	Sanction	Students (Non-unionized and Unionized)	Staff (Non-unionized and Unionized)	Faculty (Non-unionized and Unionized)
Administrative	Probation	Yes	Yes	Yes
	Restitution	Yes	Yes	Yes
	Verbal Warning	Yes	Yes	Yes
	Written Warning	Yes	Yes	Yes
Educational/ Restorative	Assessment	Yes	No	No
	Civic Service	Yes	No	No
	Community Engagement	Yes	No	No
	Educational Assignment	Yes	No	No
	Meetings/Coaching/Training	Yes	Yes	Yes
	Workshops	Yes	No	No
Restrictive	Barrment/Removal from Campus	Yes	Yes	Yes
	Contact Restrictions	Yes	Yes	Yes
	Residential Restrictions	Yes	No	No
Status	Discharge/Dismissal/Termination	Yes	Yes	Yes
	Expulsion	Yes	No	No
	Suspension	Yes	Yes	Yes

ASSURANCES FOR THE PARTIES

Upon filing a formal complaint, the University of New Mexico honors your right to the following throughout its process:

- Proceedings that
 - Include a prompt, fair, and impartial process from the initial investigation to the final result.
 - Are completed within reasonably prompt timeframes as designated by UNM policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Are conducted in a manner that is consistent with UNM's policies, transparent to the accuser and accused, and by campus officials who:
 - Receive, at a minimum, annual training on the issues related to sexual assault, domestic violence, dating violence, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability[^] and
 - Do not have a conflict of interest or bias for or against the complainant or respondent.[^]
- Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.[^]
- Receive timely notice of meetings at which the accuser or accused, or both, may be present.[^]
- Examine and respond to all evidence gathered by CEEEO.[^]
- Be accompanied by others during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by a support person of your choice during the CEEEO process—including during the investigatory stage—to help you navigate UNM's administrative processes.^{1^}
- Supportive measures throughout the administrative resolution process.[^]
- Simultaneous, written notification of:
 - The results of any disciplinary proceeding,[^]
 - The right to appeal a decision and the procedures for doing so,[^]
 - Any change to the results,[^] and
 - Once the results become final.[^]
- Appeal a dismissal, Final Determination, or accompanying sanction to the Office of the President within seven business days of the date the OAH issues its Final Determination, and to receive notice in writing of the final outcome after the appeal is resolved.[^]

¹ A support person's 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.



Items with a [^] are available to both complainants and respondents.

CONFIDENTIAL SUPPORT SITES

at the University of New Mexico



 SERVICES FOR STUDENTS

 SERVICES FOR EMPLOYEES

  SERVICES FOR STUDENTS
& EMPLOYEES

1 LoboRESPECT Advocacy Center (LRAC)



LRAC provides a safe and welcoming environment for students to receive support and advocacy services in the aftermath of any form of crisis including, but not limited to, sexual assault/misconduct, harassment, or gender-based discrimination. LRAC provides support services to mitigate the impact of extenuating circumstances, such as a medical or family emergency.

2 Student Health & Counseling (SHAC)



SHAC provides quality health and counseling services to all UNM students to foster student success. Fees charged at SHAC are much lower than community rates.

3 Women's Resource Center (WRC)



WRC provides the tools and resources necessary to enhance success within academic, personal, and professional aspects of students' lives, to include free counseling services and confidential advocacy.

4 Vassar House



Vassar House is located on North Campus in a cozy converted house and provides students at Health Sciences with the services and programming of the WRC and the Accessibility Resource Center in a welcoming environment.

5 Learning Environment Office (LEO)



LEO is charged with understanding, preventing, reducing, and responding to incidents of learner mistreatment at the UNM School of Medicine, to include the Colleges of Nursing, Pharmacy, and Population Health.

6 Ombuds Services



Ombuds Services offers skilled, neutral listening, resources referrals, and communication and collaborative problem-solving support. Ombuds' work with individual visitors is confidential. Visitors feel heard and supported in their efforts to build communication and collaboration.

7 Arcoiris Center



The Arcoiris Center is a place where individuals can find community. Those who may have experienced sexual assault and/or harassment can also come and discuss options and seek support as they navigate their experiences with a Campus Advocate.

8 Counseling, Assistance & Referral Services (CARS)



CARS is the Employee Assistance Program for UNM and UNM Health Sciences. CARS promotes a healthy work-life balance by providing free and confidential services to benefits-eligible faculty, staff, their domestic partners, and UNM retirees from UNM Main and Branch Campuses and UNM Health Sciences.



YOU ARE NOT ALONE. Help is here and confidential.

For more information, visit
[CEE0.UNM.EDU/RESOURCES](https://ceeo.unm.edu/resources)

SUPPORT SITES FOR STUDENTS

UNM encourages students to consult with a confidential support center on campus who can guide you through your options. The professionals at the sites tagged ✓ **Confidential** below provide safe and welcoming environments on campus and are trained to help you decide how to move forward in the direction of your choosing. Information you provide to a confidential employee does not generate a formal report; however, they can help you make a report to law enforcement and/or the UNM administration should you wish to report to either one. Sites tagged ✓ **Supportive Measures** can assist you with requesting, accessing, or requesting changes to supportive and/or protective measures, which are available following a disclosure, regardless of whether you decide to report to law enforcement. Sites with the ✓ **Advocacy** tag also offer free advocacy services and sites with an asterisk (*) are available to students at all UNM campus locations.

LoboRESPECT Advocacy Center (LRAC)*

The LoboRESPECT Advocacy Center is a place of advocacy, safety, and support for all UNM students.

University Advisement & Enrichment Center (Bldg 85)
400 Cornell Dr NE, Rm 262, Albuquerque, NM 87131
505-277-2911 | loborespect@unm.edu

✓ **Confidential** ✓ **Supportive Measures** ✓ **Advocacy**

Women's Resource Center (WRC)*

The Women's Resource Center is a place of advocacy, safety, and support for all members of UNM and greater community.

Mesa Vista Hall (Bldg 56)
301 Cornell Dr NW, Rm 1160, Albuquerque, NM 87106
505-277-3716 | women@unm.edu

✓ **Confidential** ✓ **Supportive Measures** ✓ **Advocacy**

Arcoiris Center*

The Arcoiris Center, formerly the LGBTQ Resource Center, offers services and support for LGBTQ+ individuals at UNM.

1919 Las Lomas NE (Bldg 168)
Albuquerque, NM 87131
505-277-5428 | arcoiris@unm.edu

✓ **Confidential** ✓ **Supportive Measures** ✓ **Advocacy**

Ombuds Services*

Ombuds Services is a no-barrier, first-stop for UNM students seeking guidance, information, and insight from a trusted, skilled neutral in a setting that is confidential, independent, and informal.

1800 Las Lomas Blvd NE (Bldg 29), Albuquerque, NM 87106
(SE corner of Buena Vista Rd NE & Las Lomas Blvd NE.
Visits by appointment only.)
505-277-2993 | ombuds@unm.edu

✓ **Confidential**

Vassar House

An extension of the Women's Resource Center, for North Campus students—by appointment only.

917 Vassar Rd NE (Bldg 225), Albuquerque, NM 87106
505-277-3716 | women@unm.edu or
vassarhouse@salud.unm.edu

✓ **Confidential** ✓ **Supportive Measures** ✓ **Advocacy**

Learning Environment Office (LEO)

For School of Medicine (SOM) learners

Reginald Heber Fitz Hall (Bldg 211)
2425 Camino De Salud NE, Rm 106, Albuquerque, NM 87106
505-272-7867 | hsc-leo@salud.unm.edu

✓ **Confidential** ✓ **Supportive Measures** ✓ **Advocacy**

Compliance, Ethics & Equal Opportunity (CEEEO)*

609 Buena Vista Dr NE (Bldg 42), Albuquerque, NM 87106
505-277-5251 | ceeo@unm.edu

EthicsPoint Hotline: 1-888-899-6092 | unm.ethicspoint.com

Title IX Coordinator

Beckham Rivera, JD: barivera@unm.edu

✓ **Supportive Measures**

SUPPORTIVE MEASURES FOR STUDENTS

Supportive measures are free, individualized services or adjustments (accommodations) intended to help you maintain your education with minimal interference, to the extent possible. Supportive measures, some of which are protective measures, are non-punitive and held confidential for all parties, so long as maintaining such confidentiality does not impair UNM's ability to provide the supportive measures. Examples include:

- Referrals for mental health or medical services
- Maneuvering campus and law enforcement resources
- Modifications of work or class schedules
- Student financial aid
- Visa and immigration assistance
- Campus escort services
- Mutual restrictions on contact between the parties
- Temporary or permanent changes to a room assignment
- Extra patrols at a complainant's on-campus residence
- Potentially imposing a temporary ban on the respondent (offender)
- Creating a safety plan

SUPPORT SITES FOR EMPLOYEES

UNM encourages employees to consult with a confidential reporting site on campus who can guide you through your options. The professionals at the sites labeled ✓ **Confidential** below provide safe and welcoming environments on campus and are trained to help you decide how to move forward in the direction of your choosing. Information you provide to a confidential employee does not generate a formal report; however, they can help you make a report to law enforcement and/or the UNM administration should you wish to report to either one. CEEO's ✓ **Supportive Measures** tag indicates its ability to assist you with requesting, accessing, or requesting changes to supportive and/or protective measures, which are available following a disclosure, regardless of whether you decide to report to law enforcement. Sites with an asterisk (*) are available to employees at all UNM campus locations.

Counseling, Assistance & Referral Services (CARS)*

1800 Mesa Vista Rd NE (Bldg 184)
Albuquerque, NM 87106
505-277-3136 | cars@unm.edu
✓ **Confidential**

Compliance, Ethics & Equal Opportunity (CEEEO)*

609 Buena Vista Dr NE (Bldg 42)
Albuquerque, NM 87106
505-277-5251 | ce eo@unm.edu
EthicsPoint Hotline: 1-888-899-6092 | unm.ethicspoint.com
| Title IX Coordinator
| Beckham Rivera, JD: barivera@unm.edu
✓ **Supportive Measures**

Ombuds Services*

1800 Las Lomas Blvd NE (Bldg 29)
Albuquerque, NM 87106
(SE corner of Buena Vista Rd NE & Las Lomas Blvd NE.
Visits by appointment only.)
505-277-2993 | ombuds@unm.edu
✓ **Confidential**

Arcoiris Center*

The Arcoiris Center, formerly the LGBTQ Resource Center, offers services and support for LGBTQ+ individuals at UNM.
1919 Las Lomas NE (Bldg 168)
Albuquerque, NM 87131
505-277-5428 | arcoiris@unm.edu
✓ **Confidential** ✓ **Supportive Measures** ✓ **Advocacy**

SUPPORTIVE MEASURES FOR EMPLOYEES

Supportive measures are free, individualized services or adjustments (accommodations) intended to help you maintain your job performance with minimal interference, to the extent possible. Supportive measures, some of which are protective measures, are non-punitive and held confidential for all parties, so long as maintaining such confidentiality does not impair UNM's ability to provide the supportive measures.

Examples include:

- Maneuvering campus and law enforcement resources
- Referrals for mental health or medical services
- Visa and immigration assistance
- Transportation assistance to include campus escort services and parking adjustments
- Mutual restrictions on contact between parties
- Adjustments in the workplace or with scheduling
- Leaves of absence
- Increased security, such as extra patrols
- Potentially imposing a temporary ban on the offender (respondent)
- Creating a safety plan



ON-CAMPUS RESOURCES



AVAILABLE TO UNM STUDENTS
AVAILABLE TO UNM EMPLOYEES
AVAILABLE 24 HOURS A DAY, 7 DAYS A WEEK
LGBTQ+-FOCUSED RESOURCE

COUNSELING & MENTAL HEALTH

HEALTH & MEDICAL ASSISTANCE



UNM HOSPITAL S E

2211 Lomas Blvd NE
Albuquerque, NM 87106
505-272-2111



SANDOVAL REGIONAL MEDICAL CENTER S E

3001 Broadmoor Blvd NE
Rio Rancho, NM 87144
505-994-7000

UNM STUDENT HEALTH & COUNSELING (SHAC) S

SHAC provides quality health services to all UNM students to foster student success. SHAC is not a provider of emergency medical care. In case of a medical or counseling emergency, dial 911 or go directly to a local hospital emergency room.

300 Cornell Dr NE (Bldg 73)
Albuquerque, NM 87131

Opposite the southeast corner of the SUB.
505-277-3136 | shac@unm.edu



After-hours medical: 505-277-3136, Option #2
On-call service regarding medical needs for UNM students only.



UNM TELEHEALTH S

Partners with services across the University of New Mexico Health System to support and facilitate best practices for clinicians that provide direct patient care.
505-272-iUNM (4866) | UNMTelehealth@salud.unm.edu

UNM ADULT PSYCHIATRIC CENTER S E

The state's largest community mental health care provider, UNM Psychiatric Center provides a full spectrum of behavioral health care for thousands of New Mexicans each year, including psychiatric emergency or urgent care.
2600 Marble Ave (Bldg 299)
Albuquerque, NM 87106
505-272-2800



24/7 emergency services: 505-272-2920
Psychiatric urgent care: 505-272-9038

COUNSELING, ASSISTANCE & REFERRAL SERVICES (CARS) E

CARS is the Employee Assistance Program for faculty, staff, and retirees of UNM Main and Branch campuses and UNM Health Sciences. CARS provides free and confidential counseling, consultation and referral services to assist with both personal and professional concerns. CARS services are provided in person or via telehealth.

1800 Mesa Vista Rd NE (Bldg 184)
Albuquerque, NM 87106
505-277-3136 | cars@unm.edu



UNM STUDENT HEALTH & COUNSELING (SHAC) S

SHAC provides quality counseling services to all UNM students to foster student success.

300 Cornell Dr NE (Bldg 73)
Albuquerque, NM 87131
Opposite the southeast corner of the SUB.
505-277-3136 | shac@unm.edu



24/7 Crisis Line: 505-277-3136, Option 3



TIMELYCARE TELEHEALTH S

Free, 24/7 access to virtual care services, self-care, and well-being tools for UNM students. No insurance needed.
Download at the App Store or Google Play.
833-4-TIMELY (833-484-6359)



ON-CAMPUS RESOURCES, CONT.

UNM BEHAVIORAL HEALTH CLINIC **S E**

Help for substance use and mental health conditions.
2600 College Blvd NE
Rio Rancho, NM 87144
505-994-5050

SANDOVAL REGIONAL MEDICAL CENTER (SRMC) BEHAVIORAL HEALTH CLINIC **S E**

Help for substance use and mental health conditions.
3001 Broadmoor Blvd NE
Rio Rancho, NM 87144
505-994-7146

MANZANITA COUNSELING TRAINING CLINIC **S E**

Free counseling open to all UNM community members.
Manzanita Hall (Bldg 70)
600 E University Blvd NE
Albuquerque, NM 87106
505-277-7311 | manzanita@unm.edu

MENTAL HEALTH COLLABORATIVE (MHC) **S**

The Mental Health Collaborative (MHC) is a counseling internship program focused on serving UNM students at various student resource centers.
mhccounseling@unm.edu

Women's Resource Center

505-277-3716 | wrccounseling@unm.edu

El Centro de la Raza

505-277-5020 | elcentrocounseling@unm.edu

Accessibility Resource Center

505-277-3506 | arccounseling@unm.edu

OMBUDS SERVICES **S E**

Though not a counseling center, Ombuds is a no-barrier, first-stop for UNM students and employees seeking guidance, information, and insight from a trusted, skilled neutral in a setting that is confidential, independent, and informal.

1800 Las Lomas Blvd NE (Bldg 29)

Albuquerque, NM 87106

SE corner of Buena Vista Rd NE & Las Lomas Blvd NE.

Visits by appointment only.

505-277-2993 | ombuds@unm.edu

HUMAN RESOURCES **E**

HR provides a wide range of resources for employees, to include short-term job/personal counseling and referrals to outside resources through the Employee Assistance Program (EAP).

John and June Perovich Business Center (Bldg 183)

1700 Lomas Blvd NE

Albuquerque, NM 87131

505-277-6947 | hrfiles@unm.edu

VICTIM/SURVIVOR ADVOCACY



LOBORESPECT ADVOCACY CENTER (LRAC) **S**

A place of confidential advocacy, safety, and support.
University Advisement & Enrichment Center (Bldg 85)
400 Cornell Dr NE, Rm 262
Albuquerque, NM 87131
505-277-2911 | loborespect@unm.edu

WOMEN'S RESOURCE CENTER (WRC) **S**

A place of confidential advocacy, safety, and support.
Mesa Vista Hall (Bldg 56)
301 Cornell Dr NW, Rm 1160
Albuquerque, NM 87106
505-277-3716 | women@unm.edu

VASSAR HOUSE **S**

An extension of the Women's Resource Center, for North Campus students—by appointment only.
917 Vassar Rd NE (Bldg 225)
Albuquerque, NM 87106
vassarhouse@salud.unm.edu

ARCOÍRIS CENTER **S E**

The Arcoíris Center, formerly the LGBTQ Resource Center, offers services and support for LGBTQ+ individuals at UNM.
1919 Las Lomas NE (Bldg 168)
Albuquerque, NM 87131
505-277-5428 | arcoiris@unm.edu

CRISIS HOTLINES



LOBORESPECT ADVOCACY CENTER (LRAC) HOTLINE **S**

On-call service regarding UNM students only.
505-277-2911



STUDENT HEALTH AND COUNSELING (SHAC) **S**

Licensed counselors available 24/7.
24/7 Crisis Line: 505-277-3136, Option 3



TIMELYCARE TELEHEALTH **S**

Free, 24/7 access to virtual care services, self-care, and well-being tools for UNM students. No insurance needed.
Download at the App Store or Google Play.
833-4-TIMELY (833-484-6359)



ON-CAMPUS RESOURCES, CONT.

EMERGENCY FOOD & HOUSING

CAMPUS LOBO FOOD PANTRY **S**

Free groceries to all currently enrolled UNM students. Bring your UNM ID or valid ID and UNM ID number, and a bag or box to carry groceries with.

Student Union Building (Bldg 60)
301 Cornell Dr NE, Rm 1093

Located on the first floor across from the computer lab.
Albuquerque, NM 87131
505-277-2911 | loborespect@unm.edu



LOBORESPECT ADVOCACY CENTER (LRAC HOUSING/ SHELTER SERVICES) **S**

Assistance with homeless and low-income student resources, rental assistance, homeowner assistance fund programs, and off-campus housing.

University Advisement & Enrichment Center (Bldg 85)
400 Cornell Dr NE, Rm 262
Albuquerque, NM 87131
505-277-2911 | loborespect@unm.edu

LEGAL ASSISTANCE

LOBORESPECT ADVOCACY CENTER (LRAC) LEGAL AID ASSISTANCE **S**

Legal service referrals for UNM students.

University Advisement & Enrichment Center (Bldg 85)
400 Cornell Dr NE, Rm 262
Albuquerque, NM 87131
505-277-2911 | loborespect@unm.edu

UNM LAW CLINIC **S E**

Direct legal representation to address a broad range of legal issues including housing, domestic violence, immigration status, Kinship Guardianship, Adult Guardianship, custody, and alleged juvenile delinquency provided by UNM School of Law students.

UNM School of Law - Bratton Hall (Bldg 218)
1117 Stanford Dr NE
Albuquerque, NM 87106
505-277-2146

VISA & IMMIGRATION ASSISTANCE

LOBORESPECT ADVOCACY CENTER (LRAC) IMMIGRATION SERVICES **S**

VISA and immigration assistance referrals for UNM students.

University Advisement & Enrichment Center (Bldg 85)
400 Cornell Dr NE, Rm 262
Albuquerque, NM 87131
505-277-2911 | loborespect@unm.edu

UNM LAW CLINIC **S E**

Direct legal representation to address a broad range of issues including housing, domestic violence, immigration status, Kinship Guardianship, custody, and alleged juvenile delinquency provided by UNM School of Law students.

UNM School of Law - Bratton Hall (Bldg 218)
1117 Stanford Dr NE
Albuquerque, NM 87106
505-277-2146

STUDENT FINANCIAL AID

UNM STUDENT FINANCIAL AID **S**

Resources and guidance for UNM students on matters related to financial assistance to include grants, work study, loans, tuition assistance, and scholarships.

UNM One Stop
Mesa Vista Hall (Bldg 56), north side
302 Cornell Dr
Albuquerque, NM 87131
1-800-CALLUNM | 505-277-8900 | onestop@unm.edu

Health Sciences Student Financial Aid Office

Health Sciences Library & Informatics Center (HSLIC)
(Bldg 234)
505-272-2954 | javaldez@salud.unm.edu



ON-CAMPUS RESOURCES, CONT.

TRANSPORTATION ASSISTANCE & SERVICES

PARKING & TRANSPORTATION SERVICES (PATS) **S E**

Assistance with parking, the UNM Shuttle System, and alternative methods of transportation.

2401 Redondo Dr NE

Albuquerque, NM 87106

Located northeast of the UNM Bookstore.

505-277-1938 | parktran@unm.edu



UNM POLICE DEPARTMENT-ALBUQUERQUE **S E**

Offers safety escort services to and from locations on campus and bicycle registration for UNM community members.

1700 Mesa Vista St NE (Bldg 189)

Albuquerque, NM 87106

505-277-2241

LOBOLIFT **S E**

LoboLift is a free, on-demand ride service between any location on UNM's Central Campus during evening hours. Whether you're wrapping up a late-night study session, attending an evening club meeting, or simply out and about on campus after dark, LoboLift is here to escort you on your way. Hours of operation: Monday through Friday, 6pm to 11pm. Last pickup at 10:45pm.

505-706-3430

BIKE AND SCOOTER VALET **S E**

The UNM Bike and Scooter Valet is a free, staffed parking service* for UNM students, faculty, and staff. You can park your bicycle, scooter, e-bike or multimodal vehicle (MMV) during valet operating hours and enjoy a monitored parking area staffed by trained attendants, a quick & easy check-in/check-out process, and a convenient way to reduce car dependency and support a greener campus. Monday-Friday*: 7:45 A.M. to 5:30 P.M. All bikes, scooters, e-bikes and multi-modal vehicles (MMV) must be picked up by 5:15 P.M. Closed overnight, weekends, university holidays, & in cases of inclement weather or other campus closures.

505-277-0850

LOBO BIKE SHOP **S E**

Full-service bike shop with repair and rental services at a discounted price for UNM community members.

UNM Recreational Services

Johnson Center (Bldg 59)

200 Cornell Dr NE

Albuquerque, NM 87131

505-277-0178

ASSISTANCE FOR PEOPLE WITH DISABILITIES

UNM ACCESSIBILITY RESOURCE CENTER (ARC) **S**

Services, accommodations, and support for students with disabilities in the UNM community.

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 2021

Albuquerque, NM 87131

505-277-3506 | arc@unm.edu

Health Sciences Center ARC

505-277-0316 | kcanomartinez@unm.edu

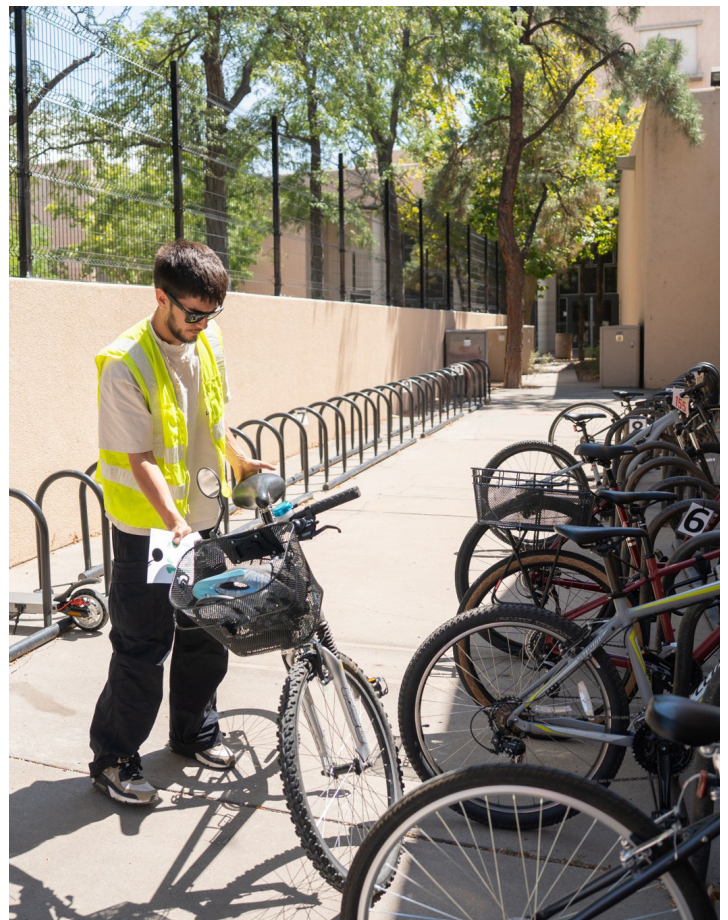
UNM OFFICE OF COMPLIANCE, ETHICS & EQUAL OPPORTUNITY (CEEEO)

Assistance for employees with religious accommodations, Title IX accommodations (pregnancy, lactation) and accommodations for a disability or medical condition under the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (ADAAA).

609 Buena Vista Rd NE (Bldg 42)

Albuquerque, NM 87131

505-277-5251 | ceeo@unm.edu



ON-CAMPUS RESOURCES, CONT.

HOUSING ASSISTANCE

UNM RESIDENCE LIFE & STUDENT HOUSING (RLSH) S

Provides and manages UNM's on-campus student housing facilities and assists students with campus life programs.

Student Residence Center Commons (Bldg 89)

2700 Campus Blvd NE

Albuquerque, NM 87106

Located across from La Posada Dining Hall.

housing@unm.edu



24/7 Help Desk: 505-277-2606

AMERICAN CAMPUS COMMUNITIES (ACC) S

Provides and manages on-campus student housing facilities and assists students with campus life programs.

Lobo Village, Located on South Campus.

1200 Avenida César Chávez

Albuquerque, NM 87106

505-925-5575 | lobovillage@americancampus.com

SUPPORT FOR VETERANS

UNM VETERAN & MILITARY RESOURCE CENTER S

Services and support for student veterans at UNM.

608 Buena Vista Dr NE (Bldg 20A)

Albuquerque, NM 87131

505-277-3181 | vrc@unm.edu



SUPPORT FOR INTERNATIONAL STUDENTS & EMPLOYEES

UNM INTERNATIONAL STUDENT AND SCHOLAR SERVICES (ISSS) S

Assistance with navigating life for international students and employees studying and working at UNM.

Global Education Office (GEO)

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 2120

Albuquerque, NM 87131

505-277-4032 | geo@unm.edu

AUXILIARY SAFETY SERVICES

UNM HOSPITALS SECURITY S E

Non-sworn Security Officers provide safety escort services, motor assist, and key assist on UNM's North Campus and at the UNM Sandoval Regional Medical Center/Health Sciences Rio Rancho Campus.

UNM Hospital

2211 Lomas Blvd NE

Albuquerque, NM 87106

505-272-2160

UNM Sandoval Regional Medical Center

3001 Broadmoor Blvd NE

Rio Rancho, NM 87144

505-980-1516

UNM SECURITY S E

Non-sworn Campus Security Officers provide safety escort services, motor assist, and key assist on UNM's Main Campus.

1700 Mesa Vista St NE (Bldg 189)

Albuquerque, NM 87106

505-277-6059

Emergency Dispatch: 505-277-2241

UNM STUDENT SAFETY S

Assists students with safety concerns in student housing.

Student Residence Center Commons (Bldg 89)

2700 Campus Blvd NE

Albuquerque, NM 87106

Located across from La Posada Dining Hall.

housing@unm.edu



24/7 Help Desk: 505-277-2606

COMMUNITY RESOURCES



AVAILABLE 24 HOURS A DAY, 7 DAYS A WEEK
LGBTQ+-FOCUSED RESOURCE

SEXUAL ASSAULT SERVICES

NEW MEXICO COALITION OF SEXUAL ASSAULT PROGRAMS, INC (NMCSAP)



Sexual Assault Nurse Examiner (SANE) Programs provide medical/forensic exams for individuals who have been sexually assaulted. SANE services include a physical assessment, emergency contraception, injury documentation, forensic photography, and evidence collection up to five days after the sexual assault. SANE Programs offer medication for sexually transmitted infections (STI) up to 30 days after the assault. Services are available 24 hours a day, provided at no cost, and are confidential. No ID is required. Individuals can receive a SANE exam without filing a police report. Each SANE Program has a designated Coordinator who is active with their community co-responders and is available to assist with problems, questions, or presentations.



Albuquerque: Albuquerque Sexual Assault Nurse Examiner (SANE) Collaborative
625 Silver Ave SW, 2nd Flr
Albuquerque, NM 87102

UNMPD can provide transportation, even if you do not want to file a police report!

24/7 Dispatch: 505-884-SANE (7263)



HEALTH & MEDICAL ASSISTANCE



PRESBYTERIAN HOSPITAL

1100 Central Ave SE
Albuquerque, NM 87106
505-841-1234



VETERAN AFFAIRS HEALTH CARE

1501 San Pedro Dr SE
Albuquerque, NM 87108
505-265-1711

Mental Health Care: 505-265-1711, Ext. 2150

COUNSELING & MENTAL HEALTH

ALBUQUERQUE VET CENTER

Confidential help for Veterans, service members, and their families at no cost in a non-medical setting. Services include counseling for needs such as depression, post traumatic stress disorder (PTSD), and the psychological effects of military sexual trauma (MST).

2001 Mountain Rd NW
Albuquerque, NM 87104
505-346-6562



24/7 Call Center: 877-927-8387

ALBUQUERQUE CENTER FOR HOPE & RECOVERY PEER- RUN DROP-IN CENTER

Support for people who live with mental health or co-occurring mental health and substance use challenges.

913 2nd St NW
Albuquerque, NM 87102
505-246-2247



COMMUNITY RESOURCES, CONT.

ALBUQUERQUE INDIAN CENTER

Provides substance abuse, family and couples' therapy, and mental health assessments.

105 Texas St SE
Albuquerque, NM 87108
505-268-1751 | abqindiancenter@gmail.com

NEW MEXICO SOLUTIONS

Comprehensive Behavioral Health Services in New Mexico specializing in a variety of services for children, adolescents, adults and their family members/life partners.

707 Broadway Blvd NE, Ste 500
Albuquerque, NM 87102
505-268-0701

2551 Coors Blvd NW
Albuquerque, NM 87102
505-833-2300



Crisis Line: 800-433-7291



VICTIM/SURVIVOR ADVOCACY



RAPE CRISIS CENTER OF CENTRAL NEW MEXICO

Free, confidential services providing a 24-hour hotline for survivors of domestic violence, sexual assault, and sex trafficking.

9741 Candelaria Rd NE
Albuquerque, NM 87112
505-266-7711 | info@rapecrisisnm.org

ALBUQUERQUE FAMILY ADVOCACY CENTER

Provides victims of domestic violence, child abuse, sexual assault and their families with a safe setting to assist in addressing and overcoming the trauma of their experience and break the cycle of violence that destroys families.

625 Silver Ave SW, #2
Albuquerque, NM 87102
505-243-2333



HAVEN HOUSE CRISIS LINE

Assistance with temporary restraining orders (TROs), emergency shelter, information about navigating the court system, accompanying Survivors to court hearings, and referrals to legal assistance; i.e., Legal Aid, Attorneys, etc.
505-896-4869

NM COALITION AGAINST DOMESTIC VIOLENCE

Support and assistance with domestic violence programs across the state.

2425 Alamo Ave SE
Albuquerque, NM 87106
505-246-9240 or 800-799-7233

TRANSGENDER RESOURCE CENTER OF NM 🏳️‍🌈

Supports transgender, nonbinary, and gender nonconforming communities through direct services, education, and advocacy.

5600 Domingo Rd NE
Albuquerque, NM 87108
505-200-9086 | tgcrnm@tgcrnm.org

CASA FORTALEZA

Free counseling and services to survivors of sexual violence and their family and friends.

Provee consejería y servicios gratuitos para sobrevivientes de violencia sexual y sus familiares y/o amigos.

2340 Alamo Ave SE, Ste 124
Albuquerque, NM 87106
505-910-4031

ENLACE COMUNITARIO

Intervention, prevention and counseling services for victims of domestic violence.

Servicios de intervención, prevención y asesoramiento para víctimas de violencia doméstica.

2425 Alamo Ave SE
Albuquerque, NM 87106
505-246-8972

NEW MEXICO ASIAN FAMILY CENTER

Counseling and case management services, survivor-led and centered services, programs centering traditional methods of healing, youth and community leadership programs, financial education workshops, cross-racial movement building, and civic engagement work.

505-717-2877

Mọi thắc mắc xin liên hệ: 505-934-5139

ご不明な点がございましたら: 505-934-5686

如果您有疑问: 505-526-8644

اگر شما هر گونه سوال: 4345-934-505

COMMUNITY RESOURCES, CONT.

CRISIS HOTLINES



AGORA CRISIS CENTER HOTLINE

Immediate assistance and referrals for those in crisis.
505-277-3013



NATIONAL SUICIDE & CRISIS LIFELINE

A centralized, single telephone number to get immediate assistance and resources for mental health and substance use issues.
988 or 1-855-NMCrisis (855-662-7474) or
855-227-5485 (TTY)



HEALTHCARE WORKER & FIRST RESPONDER SUPPORT LINE

Support line specifically for healthcare workers and first responders.
1-855-507-5509



ALBUQUERQUE VET CENTER

Confidential help for Veterans, service members, and their families at no cost in a non-medical setting. Services include counseling for needs such as depression, post traumatic stress disorder (PTSD), and the psychological effects of military sexual trauma (MST).
877-927-8387



PEER TO PEER WARMLINE

If you or a loved one wants to talk to someone that has been there, professional peers support workers are here to talk with you.
1-855-4NM-7100 (1-855-466-7100)



NATIONAL DOMESTIC VIOLENCE HOTLINE

24/7/365 compassionate support, crisis intervention information, educational services, and referral services in more than 200 languages.
1-800-799-SAFE (7233)



NATIONAL HUMAN TRAFFICKING HOTLINE

Social and legal services for victims and survivors of human trafficking.
1-888-373-7888



RAINN: NATIONAL SEXUAL ASSAULT HOTLINE

The RAINN (Rape, Abuse & Incest National Network) anti-sexual violence organization operates the DoD Safe Helpline for the Department of Defense and carries out initiatives to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.
1-888-656-HOPE (4673)



VETERAN CRISIS LINE

For veterans having thoughts of self-harm, or of harming others.
1-800-273-8255, Option 1 or Text 838255



LIFELINE FOR VETS

Crisis management and support for veterans in need, provided by the National Veterans Foundation.
888-777-4443



HOMELESSNESS HOTLINE

Crisis line for veterans who are currently experiencing homelessness or at risk of homelessness. Family members and supports of veterans at risk can also call.
877-424-3838



TRANS LIFELIN

Provides direct, peer emotional and financial support to trans people in crisis. Available 7am-1am PST daily.
877-565-8860

COMMUNITY RESOURCES, CONT.

EMERGENCY FOOD & HOUSING

ROADRUNNER FOOD BANK OF NEW MEXICO

Provides food distribution services throughout New Mexico through food pantries, soup kitchens, group homes, shelters, schools, senior centers, low-income senior housing locations, and health care partners.

505-349-5340 or 505-523-4390



STATEWIDE HOMELESS RESOURCE HELPLINE

Provides resources and referrals related to homelessness.

505-768-HELP (4357) or text 505-600-2835

768-help@nmceh.org



WESTSIDE EMERGENCY HOUSING CENTER

A safe and welcoming environment for men and women experiencing homelessness in Albuquerque. The center is open year-round and offers meals. Shuttle service is provided daily.

7440 Jim McDowell Rd NW

Albuquerque, NM 87121

505-839-9193



ESPERANZA SHELTER DOMESTIC ABUSE SERVICES

24-hour crisis hotline. Safe, confidential housing, counseling, food, clothing and supplies for you—and your children, if you have kids.

Línea directa de crisis las 24 horas. Vivienda segura y confidencial, asesoramiento, alimentos, ropa y suministros, para usted—y sus hijos, si tiene hijos.

505-474-5536

Crisis Hotline: 505-473-5200 or 800-473-5220



HAVEN HOUSE

Shelter for victims of domestic violence and their children in Rio Rancho.

505-896-4869

Crisis Line: 505-896-4869



HELEN'S HOUSING - ER DOMESTIC VIOLENCE/SEXUAL ASSAULT SHELTER

An 18-bed emergency domestic violence and sexual assault shelter for women and their children that are fleeing domestic violence. Shelter services include a safe place to sleep, healthy meals, individual and group counseling, weekly goal support, on site advocacy, clothing, laundry facility, limited transportation, and referral to other services as needed. Helen's Housing also offers services to help males by assisting them with a hotel stay.

Administrative Offices

445 Camino Del Rey Dr, Ste E

Los Lunas, NM 87031

505-864-1283 | referrals@valenciashelterservices.org

LEGAL ASSISTANCE

NEW MEXICO LEGAL AID

Free services to eligible low-income New Mexico residents with civil (non-criminal) matters.

505 Marquette Ave NE

Albuquerque, NM 87102

Business phone: 1-866-416-1992

For legal help: 1-833-LGL-HELP (1-833-545-4357)

Domestic Violence Legal Aid Helpline: 1-877-974-3400

VOLUNTEER ATTORNEY PROGRAM: FAMILY LAW CLINIC

Attorneys provide free legal information on family law issues, including Divorce, Child Support, Custody, Visitation, Mediation, Paternity, Kinship/Guardianship, Domestic Violence, Adoption, and Settlement Facilitation. The Clinic takes place the third Wednesday of each month from 10am until 1pm in the third-floor conference room of the 2nd Judicial District Court. Pre-registration is required and attendance is limited.

400 Lomas Blvd NW

Albuquerque, NM 87102

1-877-266-9861

VISA & IMMIGRATION ASSISTANCE

NEW MEXICO IMMIGRANT LAW CENTER

High-quality legal representation accessible to low-income immigrant communities.

625 Silver Ave SW, Ste 410

Albuquerque, NM 87102

505-247-1023

CATHOLIC CHARITIES VAWW IMMIGRATION PROJECT

Provides educational and career programs for the many refugee families that have resettled in Albuquerque after the 90-day government resettlement program.

2010 Bridge Blvd SW

Albuquerque, NM 87105

505-724-4670 | info@ccasfnm.org



COMMUNITY RESOURCES, CONT.

STUDENT FINANCIAL AID

U.S. DEPARTMENT OF EDUCATION FEDERAL STUDENT AID

Assistance with forms and processes related to federal student aid, credit counseling, and loan repayments and forgiveness.

1-800-433-3243

TRANSPORTATION ASSISTANCE & SERVICES

ABQ RIDE

Provides transportation services for the Albuquerque Metropolitan Area, to include Albuquerque Rapid Transit (ART) and bus service.

505-243-RIDE (7433)

ABQ RIDE SUNVAN PARATRANSIT SERVICE

Curb-to-curb accessible transportation to persons residing in or visiting the Albuquerque metro area whose impairment makes it impossible to ride the fixed route service.

505-243-RIDE (7433)

RIO METRO DIAL-A-RIDE

Fare-free rides connecting the general public, including seniors and people with disabilities. Call to request a ride.

Rio Rancho/Corrales: 505-404-2063 (Weekdays only.)

Valencia County: 505-352-3595 (Weekends only.)

Pueblo of Isleta: 505-352-3595 (Weekdays only.)

ASSISTANCE FOR PEOPLE WITH DISABILITIES

AGING AND DISABILITY RESOURCE CENTER (ADRC) OF NEW MEXICO

Assistance for elders, persons with disabilities, and caregivers to find services and resources to help them live well and independently.

2550 Cerrillos Rd

Santa Fe, NM 87505

1-800-432-2080

HUMAN SERVICES DEPARTMENT OF NEW MEXICO

Cash assistance to dependent, needy children and disabled adults who are not eligible for other cash assistance programs.

Bernalillo County Field Office

1041 Lamberton Pl NE

Albuquerque, NM 87110

1-800-283-4465

RIO METRO DIAL-A-RIDE

Fare-free rides connecting the general public, including seniors and people with disabilities. Call to request a ride.

Rio Rancho/Corrales: 505-404-2063 (Weekdays only.)

Valencia County: 505-352-3595 (Weekends only.)

Pueblo of Isleta: 505-352-3595 (Weekdays only.)

DISABILITY RIGHTS NEW MEXICO (DRNM)

DRNM an independent, private non-profit agency that investigates abuse and neglect, provides tips and tools that New Mexicans with disabilities can use to be their own best advocate, and refers individuals to partner organizations that might be able to help.

3916 Juan Tabo Blvd NE

Albuquerque, NM 87111

505-256-3100



COMMUNITY RESOURCES, CONT.

HOUSING ASSISTANCE

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Provides assistance with homeownership and homebuying, rent, avoiding foreclosure, and homelessness.

Albuquerque Field Office
Dennis Chavez Federal Building
500 Gold Ave SW, 7th Floor, Ste 7301
Albuquerque, NM 87103
505-346-6463

ALBUQUERQUE HOUSING AUTHORITY

Provides quality housing for those with limited incomes.

1840 University Blvd SE
Albuquerque, NM 87106
505-764-3920

HABITAT FOR HUMANITY, GREATER ALBUQUERQUE

Assists individuals and families with finding affordable housing.

505-265-0057 | info@habitatbq.org

SUPPORT FOR VETERANS



MILITARY ONESOURCE

Defense Department-funded program providing 24/7 connection to information, answers, and support to help with tax services, spouse employment, webinars and online training, relocation and deployment tools, and much more.

800-342-9647

CITY OF ALBUQUERQUE OFFICE OF MILITARY AND VETERANS AFFAIRS

Connect with resources, contact the Mayor's Office, and stay up-to-date on the issues that matter to our veterans and military service members and their families.

Dennis Chavez Federal Building
500 Gold Ave SW
Albuquerque, NM 87102
505-768-3000

ALBUQUERQUE VET CENTER

Confidential help for Veterans, service members, and their families at no cost in a non-medical setting. Our services include counseling for needs such as depression, post traumatic stress disorder (PTSD), and the psychological effects of military sexual trauma (MST).

2001 Mountain Rd NW
Albuquerque, NM 87104
505-346-6562



24/7 Call Center: 877-927-8387



SUPPORT FOR INTERNATIONAL STUDENTS

INTERNATIONAL STUDENTS, INC. (ISI)

Free airport pickup, temporary home-stay, apartment-finding help, and friendship.

401 University Blvd NE
Albuquerque, NM 87106
BSU/Christian Challenge Building
isiabq@isionline.org



AUXILIARY SAFETY ASSISTANCE

ALBUQUERQUE COMMUNITY SAFETY (ACS)

Non-emergencies: 311

APPENDIX A

Status **Active** PolicyStat ID **21070013**



Origination 5/15/2015
Last 7/13/2026
Approved
Effective 7/13/2026
Last Revised 7/13/2026

Section UAP Section 2000: Administration
Applicability UAP

UAP 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct

Authorized by [RPM 2.3 \("Equal Opportunity, Affirmative Action, Anti-Discrimination, Anti-Harassment, and Anti-Retaliation"\)](#)

Process Owner: Title IX Coordinator

1. Purpose and Scope

UNM expressly prohibits discrimination On the Basis of Sex, including Sexual Harassment, and Sexual Assault, Domestic Violence, Dating Violence and Stalking; in any Education Program or Activity that it operates. This Policy reflects the University's compliance with federal and state civil rights laws concerning Sex Discrimination, VAWA offenses (Dating Violence, Domestic Violence, Stalking, and Sexual Assault), Other Sexual Misconduct, and Retaliation; and grants the UNM Office of Compliance, Ethics & Equal Opportunity (CEEEO) authority to oversee such matters of compliance.

This Policy addresses conduct that may fall within multiple legal frameworks, including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act amendments to the Clery Act, the Fair Housing Act, and the New Mexico Human Rights Act. Because these laws impose different jurisdictional requirements and procedural obligations, the University may apply different procedures depending on the nature of the allegations. When allegations meet the definition of Title IX Sexual Harassment, the University applies grievance procedures consistent with 34 CFR §106.45. In other matters, the University applies substantially similar procedures as a matter of institutional policy.

To uphold its commitment to promoting fairness and equity in all aspects of the educational enterprise, UNM has developed policies and procedures outlined in this Policy that provide an objective, unbiased, prompt, and impartial process to respond to matters concerning discrimination, harassment, and Retaliation. This process extends to matters including Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

2. Applicability

This Policy applies to all members of the University community - including students, employees, applicants for admission or employment, Contractors, Program Partners, volunteers - and visitors as well as college programs, branch campuses, and the UNM Health Science Center.

This Policy governs conduct occurring on campus, at University-sponsored events, and within any University Program or Activity. UNM programs and activities include admissions, housing, financial aid, employment, and athletics. It also applies to off-campus conduct by UNM students, employees, Contractors, Program Partners, or volunteers as stated herein.

Reports of Prohibited Conduct may be addressed through supportive measures, Alternative Resolution following a Formal Complaint, or Formal Investigation and Administrative Hearing procedures, or other informal response, depending on the nature of the allegations and the preference of the parties, consistent with Title IX and institutional policy.

Sexual Assault, Dating Violence, Domestic Violence, and Stalking may be addressed by this Policy regardless of whether the conduct is determined to be On the Basis of Sex or within the jurisdictional requirements of Title IX. **When alleged Hostile Environment, Differential Treatment, or Disparate Impact is raised on the basis of a Protected Class other than Sex, Gender, Gender Expression, Gender Identity, and Sexual Orientation, [UAP 2720](#) will be applied, rather than this Policy.**

For information about:

- Confidential Employees, see Section 12.3.
- Employee Obligations, see Section 12.2.
- Amnesty for Parties and Witnesses related to CEEO participation, see Section 12.6.

3. Exclusions

Not applicable.

4. Notice of Non-Discrimination

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 ("Title IX"), the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, and the applicable portions of the Americans with Disabilities Act ("ADA") and applicable ADA Amendments, the University prohibits discrimination on the basis of race, color, ancestry, religion, age, sex, national origin, pregnancy or childbirth, disability, military veteran status, or any other protected status under federal, state or local law applicable to the University, in its Educational Programs and Activities.

Sex Discrimination is prohibited by Title IX, a federal law that provides that: "No person in the United States shall, On the Basis of Sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Education Program or Activity receiving Federal financial assistance." Certain forms of Sexual Harassment, as defined by federal regulation, must be addressed using the grievance procedures set forth in 34 CFR § 106.45, while other forms of Sex Discrimination

may be addressed under other provisions of this Policy.

The University will not tolerate Sex Discrimination, including Sexual Harassment, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Retaliation, and Other Sexual Misconduct. The University will promptly and equitably respond to all reports and Formal Complaints of Prohibited Conduct to take steps to eliminate the misconduct, prevent its recurrence, and address its effects on any individual where the law or Policy requires or allows, or the community in general, in accordance with this Policy.

More information on reporting concerns can be found in Section 12 of this Policy.

5. Definitions

5.1. Terms Related to Prohibited Conduct Claims Under This Policy:

- A. **"Title IX"** of the Education Amendments of 1972 prohibits discrimination On the Basis of Sex in any educational program or activity receiving federal financial assistance. Title IX violations include: Differential Treatment, Disparate Impact, Sexual Harassment, Stalking, Dating Violence, Domestic Violence, and Retaliation.
- B. **"Title VII"** of the Civil Rights Act of 1964 is a federal law that prohibits employment discrimination based on race, color, religion, Sex, and national origin.
- C. **"Prohibited Conduct,"** for purposes of this Policy, includes Sex Discrimination, Sexual Harassment, Sexual Assault, Dating Violence, Dating Violence, Stalking, Other Sexual Misconduct, Differential Treatment, Disparate Impact, and Retaliation, whether or not the conduct falls within Title IX Jurisdiction.
- D. **"Protected Class"** means those personal traits or characteristics, statuses, and/or beliefs that are defined by applicable law and policy as protected from discrimination or harassment.
- E. **"Sex Discrimination"** is conduct or action taken On the Basis of Sex that results in the denial of equal access to, unequal treatment in, or exclusion from participation in an Education Program or Activity. Sex Discrimination includes Sexual Harassment, Differential Treatment, and Disparate Impact.
- F. **"On the Basis of Sex"** means conduct that occurs because of an individual's actual or perceived Sex, including conduct based on sex stereotypes, sex characteristics, Gender, Pregnancy and Related Conditions, Sexual Orientation, or conduct that is sexual in nature. On the Basis of Sex includes Gender Identity and Gender Expression for alleged Hostile Environment Sexual Harassment (Title VII/NMhra) and Other Sexual Misconduct pursuant to Title VII, the FHA, and the NMhra.
 - 1. **"Gender"** means an individual or societal expectation or perception of a person as masculine or feminine based on appearance, behavior or physical characteristics.
 - 2. **"Gender Expression"** means gender characteristics or Gender Identity that may or may not conform to gender stereotypes about masculinity or femininity.

3. **"Gender Identity"** means one's internal sense of Gender, which may be different than the assigned sex at birth.
 4. **"Intersex"** is an umbrella term for unique variations in reproductive or sex anatomy and sex characteristics.
 5. **"Pregnancy and Related Conditions"** refers to the pregnancy or childbirth of an individual, including a current pregnancy, past pregnancy, potential or intended pregnancy (including infertility, fertility and use of contraception), labor and childbirth. "Related Conditions" are medical conditions that relate to the pregnancy or childbirth of an individual, including termination or loss of pregnancy, complications arising from pregnancy, and lactation.
 6. **"Sex"** means a person's categorization as male, female, or intersex based on biology, physiology, and physical characteristics.
 7. **"Sexual Orientation"** means a person's physical, romantic, or emotional attraction to persons of the same or a different Gender in the absence of any such attraction.
- G. **"Affirmed Name"** is a name chosen by an individual to use in place of their legal first name, often reflecting their Gender Identity, personal preference, or cultural considerations.
- H. **"Affirmed Pronoun"** means a pronoun that a person chooses to use for self-identification (e.g., she, he, they).
- I. **"Sexual Harassment"** for purposes of this Policy, is an umbrella category that includes conduct meeting the definitions of Hostile Environment Sexual Harassment (Title IX), Hostile Environment Sexual Harassment (Title VII/NMhra), Quid Pro Quo Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.
- J. **"Title IX Sexual Harassment"** means conduct On the Basis of Sex that satisfies one or more of the following:
- Quid Pro Quo Sexual Harassment;
 - Hostile Environment Sexual Harassment (Title IX); or
 - Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined in this Policy and 34 CFR §106.30.
- K. **"Quid Pro Quo Sexual Harassment"** occurs when an individual with authority conditions (implicitly or explicitly) the provision of aid, benefit, or service under UNM's Education Program or Activity on an individual's participation in unwelcome sexual conduct.
- L. **"Sexual Assault"** is an offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the Jeanne Clery Campus Safety Act and the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program. These definitions also apply under the Title IX definition of Sexual Harassment. Attempted Acts of Sexual Assault are treated the same as completed acts of Sexual Assault under this Policy.

Sexual Assault offenses include the following conduct:

1. **"Rape"** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or the oral penetration by a sex organ of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her temporary or permanent mental incapacity.
2. **"Fondling"** is the intentional touching of the clothed or unclothed body parts without Consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without Consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving Consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

As of 2025, "Fondling" is referred to as "criminal sexual contact" in the National Incident-Based Reporting System (NIBRS) User Manual within the FBI's Uniform Crime Reporting (UCR) Program. For the definition of Fondling for Clery statistical reporting purposes, please see [UAP 2745 \("Clery Act Disclosures and Programs"\)](#).

3. **"Incest"** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (If force was used or threatened, or the victim was incapable of giving Consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Incest.)
 4. **"Statutory Rape"** is sexual intercourse with a person who is under the statutory age of Consent. (If force was used or threatened, or the victim was incapable of giving Consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape.)
- M. **"Consent"** is the affirmative, conscious, and voluntary agreement to engage in sexual activity. Section 10 provides more information.
- N. **"Incapacitation"** is the inability of a person to affirmatively Consent to sexual activity because of the use of alcohol, medication, or other mind-altering substances, Incapacitation due to a disability (temporary or permanent), age, or unconsciousness. Section 10.2 provides more information.
- O. **"Dating Violence"** is violence committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence, but includes intentional or reckless emotional, financial or psychological harm to the Complainant. Attempted Acts of Dating Violence are treated the same as completed acts of

Dating Violence under this Policy.

- P. **“Domestic Violence”** is a felony or misdemeanor crime of violence committed by the Complainant’s current or former spouse or intimate partner, by a person with whom Complainant shares a child in common, by a person who is cohabitating, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Mexico, 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 New Mexico. Under New Mexico state law, this includes a current or former spouse, parent, current or former stepparent, current or former parent-in-law, grandparent, current or former grandparent-in-law, child, stepchild, or grandchild, co-parent of a child, or a person with whom a person has had an intimate (i.e., continuing personal) relationship. Cohabitation is not necessary to be deemed a household member. Attempted Acts of Domestic Violence are treated the same as completed acts of Domestic Violence under this Policy.

The OAH is not tasked with determining if a felony or misdemeanor crime occurred. Rather, the OAH is tasked with evaluating whether the underlying conduct constitutes domestic violence under this Policy.

- Q. **“Stalking”** is engaging in a course of conduct that is directed at the Complainant and would cause a reasonable person to fear for the person’s own safety or the safety of others, or to suffer substantial emotional distress. For the purpose of this definition:
- **“Course of Conduct”** means two or more acts, including but not limited to, acts in which the Respondent 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 Complainant.
 - **“Substantial Emotional Distress”** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Attempted Acts of Stalking are treated the same as completed acts of Stalking under this Policy.

- R. **“Attempted Act”** for purposes of this Policy means conduct:
- In which a person demonstrated the intent to commit the underlying claim,
 - In which a person took substantive steps towards committing the underlying claim, and
 - Were it not for some type of defense, interruption, or intervention, the completed act would have met the definition of the underlying claim as defined by this Policy.
- S. **“Hostile Environment Sexual Harassment (Title IX)”** is unwelcome conduct On the Basis of

Sex that, based on the totality of the circumstances, is:

- Severe, and
- Pervasive, and
- Objectively offensive, and
- Denies a person's ability to participate in or benefit from UNM's programs or activities.

This definition reflects the requirements of 34 CFR §106.45.

- T. **"Sexual Harassment (Title VII/NMhra)"** is unwelcome conduct On the Basis of Sex by an employee, Contractor, or volunteer Respondent commits that was sufficiently serious (i.e., severe or pervasive), subjectively and objectively offensive, and has the purpose or effect of:
- Denying or limiting a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities,
 - Unreasonably interfering with an employee's work performance and/or advancement or a student's academic performance and/or advancement, or
 - Creating an intimidating, hostile, or offensive work or academic environment.
- U. **"Differential Treatment"** occurs when people, whether an individual or a group, are treated differently from similarly situated individuals On the Basis of Sex.
- V. **"Disparate Impact"** occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact On the Basis of Sex.
- W. **"Retaliation"** means intimidation, threats, coercion, discrimination, or adverse action against an individual for the purpose of interfering with any right or privilege secured by this Policy or applicable civil rights law, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or Administrative Hearing under this Policy. More information on Retaliation can be found in Section 8 of this Policy.
- X. **"Other Sexual Misconduct"** is any unwelcome conduct On the Basis of Sex a student Respondent commits—not otherwise meeting the definition of Title IX Sexual Harassment—that has the purpose or effect of:
- Denying, limiting, or adversely impacting a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities,
 - Unreasonably interfering with an employee's work performance and/or advancement or a student's academic performance and/or advancement, or
 - Constitutes taking non-consensual and/or abusive sexual advantage of another person for their own sexual benefit or sexual gratification, or for the benefit of anyone other than the person being exploited; or

- Creating an intimidating, hostile, or offensive work or academic environment.

5.2. Terms relevant to the CEEO Grievance Process

- A. **“Administrative Hearing”** is the administrative adjudicatory process that takes place after CEEO has concluded a Formal Investigation.
- B. **“Advisor”** is a person chosen by a Complainant or Respondent, or provided by UNM, who acts as an advocate for the party during an Administrative Hearing, if one takes place. An Advisor acts as a party’s representative during a hearing for the purpose of conducting cross-examination of witnesses and the opposing party. An Advisor may also act as a party’s Support Person, as defined herein.
- C. **“Alternative Resolution”** is a voluntary process that allows parties to resolve allegations of Prohibited Conduct under this Policy, without a Formal Investigation and Administrative Hearing, after a Formal Complaint has been filed, and with voluntary, written Consent by both parties. In cases alleging Title IX Sexual Harassment, two conditions must exist: 1) both Complainant and Respondent must agree to an Alternative Resolution; and 2) the alleged Prohibited Conduct must not have been committed by a UNM employee against a student.
- D. **“Complainant”** is the person or people who have experienced alleged Prohibited Conduct.
- E. **“Contractors” and “Program Partners,”** for purposes of this Policy, may include any individual who is not employed as University staff or faculty, and who is not enrolled as a University student, but performs services, supervision, instruction, guidance, or program-related functions on behalf of the University or in connection with a University program or activity. This includes, but is not limited to:
 - Contract personnel and vendors,
 - Preceptors, internship, practicum, and clinical site supervisors,
 - Personnel at internship or placement sites,
 - Contracted service providers,
 - Volunteers, visiting scholars, and trainees, and
 - Other individuals who interact with University students, staff, or faculty, through a University-sponsored program or activity.
- F. **“Decision Maker”** is an individual or body designated by UNM to make determinations under this Policy, including determinations regarding responsibility, sanctions, and appeals.
- G. **“Education Program or Activity” or “Education Programs or Activities”** are locations, events, or circumstances where UNM exercises substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurs, and includes any building owned or controlled by a student organization that is officially recognized by UNM.
- H. **“Formal Complaint”** is a document filed by the Complainant or signed by the Title IX Coordinator containing an alleged Policy violation and requesting the University address the

allegation of Policy violation by Alternative Resolution or Formal Investigation.

- I. **"Formal Investigation"** means an investigation initiated after the filing of a Formal Complaint alleging Prohibited Conduct under this Policy and resolved through the investigation and Administrative Hearing procedures described herein.
- J. **"Hearing Officer"** is the individual responsible for evaluating the evidence presented by the parties at an Administrative Hearing and issuing a subsequent determination as to whether a Respondent violated a UNM civil rights policy.
- K. **"Jurisdiction"** is a term used to describe CEEO's authority to address or act on a Report made to the University. See Section 6 of this Policy for more information.
- L. **"Office of Compliance, Ethics & Equal Opportunity (CEEEO)"** is the independent, impartial, and neutral campus entity designated to ensure compliance with all UNM policies that apply to civil rights, including investigations of any allegations of civil rights violations, and related misconduct.
- M. **"Proceeding"** refers to all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceedings do not include communications and meetings between officials and Complainants concerning supportive measures to be provided to a Complainant.
- N. **"Report"** refers to information provided to CEEEO by a Reporter.
- O. **"Reporter"** is someone reporting a concern to CEEEO, including a Witness or other individuals with knowledge or information regarding potential civil rights violations.
- P. **"Respondent"** is the person or people responding to a complaint filed with CEEEO, or alleged to be responsible for the conduct reported to CEEEO.
- Q. **"Result"** is any initial, interim, and final decision by any UNM official or entity authorized to resolve disciplinary matters. The Result includes any sanctions imposed by the University. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the Result also includes the rationale for the result and the sanctions.
- R. **"Support Person"** is any person of a Complainant or Respondent's choosing who attends CEEEO interviews and helps to guide the party through the CEEEO process. A support person may accompany a Complainant or Respondent during CEEEO meetings and interviews to provide personal support, guidance, or advice. A support person cannot speak or otherwise participate in a CEEEO interview, but they can take notes during meetings and help a Complainant or Respondent understand the process, prepare questions, and stay organized. See Section 19.1 for additional considerations for support people.
- S. **"Witness"** or **"Witnesses"** refer to a people who may have information relevant to a Report or Formal Complaint of conduct that could violate this Policy, including a person who may have observed acts in question, who may be able to provide contextual information, or who may

have other related information. A Witness is not a party to the complaint resolution process.

- T. **"Title IX Coordinator"** is the federally required official designated by UNM to ensure compliance with Title IX and UNM's Title IX program. References to the Title IX Coordinator throughout the policy may also encompass a Coordinator's designee for specific tasks.
- U. **"Unaffiliated"** refers to the status of an individual who does not have a direct relationship to UNM as a student, faculty, staff member, or contractor.
- V. **"University of New Mexico Office of Administrative Hearings (OAH)"** is the independent entity whose purpose is to adjudicate Formal Complaints of Prohibited Conduct.

6. Prohibited Conduct Under this Policy

It is a violation of this Policy to engage in conduct or practices that constitute:

- A. Hostile Environment Sexual Harassment (Title IX)
- B. Hostile Environment Sexual Harassment (Title VII/NMhra)
- C. Quid Pro Quo Sexual Harassment
- D. Sexual Assault including:
 - 1. Sexual Assault – Rape
 - 2. Sexual Assault – Fondling
 - 3. Sexual Assault – Incest
 - 4. Sexual Assault – Statutory Rape
- E. Dating Violence
- F. Domestic Violence
- G. Stalking
- H. Differential Treatment
- I. Disparate Impact
- J. Retaliation
- K. Other Sexual Misconduct

Reports of Prohibited Conduct may be addressed through any of the following actions, depending on the nature of the allegations, the preference of the parties, and consistent with Title IX and institutional policy:

- Supportive measures,
- Informal response options,
- Alternative Resolution following the filing of a Formal Complaint, or

- Formal Investigation and hearing procedures following the filing of a Formal Complaint.

When allegations meet the definition of Title IX Sexual Harassment, the University applies grievance procedures consistent with 34 CFR §106.45.

7. Jurisdiction

7.1. Non-Title IX Jurisdiction

CEEO has been granted authority to address Prohibited Conduct under Regents Policy 2.3 and under the [University Student Disciplinary Procedure](#) (see Section 6(b)) found in the UNM Pathfinder.

This Policy applies when the alleged Prohibited Conduct arising within UNM's education and work programs or activities. Allegations that meet the jurisdictional requirements of Title IX Sexual Harassment will be addressed using grievance procedures consistent with 34 CFR §106.45. Allegations that do not meet Title IX jurisdictional requirements may still be investigated and resolved through the University's Formal Investigation and Administrative Hearing process under this Policy.

CEEO has Jurisdiction over Prohibited Conduct that:

1. Occurs on campus or through digital or other technological means, when that conduct either makes use of UNM networks or technology and/or substantially impacts one's ability to effectively participate in a University program or activity;
2. Occurs on property owned or controlled by UNM or in buildings owned or controlled by UNM's officially recognized student organizations (including properties leased by UNM or UNM's officially recognized student organizations);
3. Occurs at UNM-sponsored or UNM-sanctioned events, regardless of location;
4. Occurs off campus but substantially impacts one's ability to effectively participate in a University program or activity.

Within this broad jurisdictional scope, CEEO determines whether reported conduct falls within the Jurisdiction of Title IX Sexual Harassment and/or other Prohibited Conduct addressed under this Policy. Conduct that does not fall within the jurisdictional requirements of Title IX may nevertheless be addressed under other civil rights laws, the Violence Against Women Act (VAWA), or University Policy when the conduct affects members of the University community or interferes with access to University programs or activities.

When a Respondent is unknown or unaffiliated with UNM, CEEO and the Title IX Coordinator or their designee will assist the Complainant in identifying appropriate campus and local resources and support options. UNM may take other appropriate actions, such as barring the Respondent from UNM property and/or events. Section 16 provides more information on CEEO's process for accepting Jurisdiction and notifying the parties involved.

The University has an obligation to address non-Title IX Prohibited Conduct that occurs in any environment under UNM programs or activities, even when the alleged conduct occurred outside of the United States or in a program external to UNM. This may include but is not limited to an externship or

study abroad program. If the external Prohibited Conduct affects a student's or employee's work or educational environment, CEEO may address the alleged conduct or offer supportive measures to the impacted parties when brought to CEEO's attention.

The Title IX Coordinator determines whether the alleged conduct meets the definition of Title IX Sexual Harassment and whether the Title IX grievance process applies.

7.2. Title IX Jurisdiction

While Title IX covers Sex Discrimination occurring in Education Programs and Activities, Title IX addresses only a subset of Sexual Harassment— specifically, conduct that meets the definition of Title IX Sexual Harassment and occurs within the University's Education Program or Activity in the United States. Conduct that does not meet these jurisdictional requirements may still be addressed by the University under other applicable sections of this Policy. When CEEO receives a report of Sexual Harassment, it is evaluated to determine whether the alleged conduct falls within the scope of Title IX.

CEEEO has Jurisdiction to address conduct that meets the Title IX definition of Sexual Harassment when:

1. The conduct occurred within the United States;
2. The conduct occurred within UNM's Education Programs or Activities, including locations, event, utilizing UNM networks or technology, or circumstances over which UNM exercised substantial control over both the Respondent and the context in which the alleged conduct occurred; and
3. The Complainant was participating in, or attempting to participate in, UNM's Education Program or Activity at the time of the complaint.

To accept Jurisdiction of a claim as a Title IX matter under this Section, the Prohibited Conduct must meet the above Jurisdiction requirements. CEEEO may accept Jurisdiction of a matter that meets jurisdictional requirements under Section 7 (and its subsections) of this Policy. CEEEO may dismiss all or part a Formal Complaint for a Title IX matter.

7.3. Jurisdiction Over Contractors and Program Partners

The University partners with Contractors and Program Partners to support its educational programs and institutional mission. When Contractors and Program Partners participate in, supervise, or otherwise support a University program or activity, the University has the authority to receive, review, and respond to reports of conduct by Contractors and Program Partners that may violate this Policy.

If, following the University's review – which does not afford either process or appeal rights as outlined in this Policy – a Contractor or Program Partner is found to have violated this Policy, the University may take appropriate action, including but not limited to:

- Removal from participation in University programs or activities;
- Modification, suspension, or termination of the Contract or Program Partner's contract, affiliation agreement, or site authorization;

- Ineligibility for future University contracts, placements, or partnership agreements; and/or
- Other appropriate action as permitted by University policy or agreement.

Nothing in this section is intended to create an employment relationship or confer employee disciplinary authority over non-University personnel. Further, nothing in this section precludes a non-University entity from reviewing or addressing the same conduct under its own policies, procedures, or professional standards as applicable.

8. Retaliation

It is a violation of this Policy to retaliate against any person who engages in a civil rights-protected activity. Protected activity includes but is not limited to:

- Reporting or opposing potential Prohibited Conduct,
- Participating or declining to participate in a CEEO investigation or Proceeding,
- Requesting supportive measures or accommodations, and/or
- Assisting or supporting an individual who is involved in a CEEO investigation or Proceeding.

Retaliation is prohibited regardless of whether a Formal Complaint is filed and applies to conduct occurring before, during, or after any report, investigation, or resolution process under this Policy. Retaliation also includes interference with an individual's access to supportive measures or accommodations provided under this Policy.

Concerns that a student, staff, or faculty member has threatened to retaliate or has retaliated against another student or employee should be reported promptly to CEEO. Section 12 of this Policy provides more information about reporting. Any staff member, faculty member, or student who retaliates against a person who engages in a civil rights-protected activity may be subject to disciplinary action.

The following information applies to all claim types under this Policy.

9. Gender-Related Programs and Protections at UNM

9.1. Preferred or Affirmed First Names and Pronouns

This Policy prohibits discrimination and harassment based on Gender Identity or Gender Expression. Individuals shall not be required to obtain a court-ordered name change or gender marker change before being addressed by the first name and pronoun that corresponds to their Gender Identity. The University is committed to using preferred or Affirmed Names and pronouns wherever possible in the course of University business and education.

Members of the University community should make reasonable efforts to address individuals by

pronouns corresponding to their Gender Identity upon request. Individuals may not be subjected to unwelcome questions or invasive requests for documentation related to their Gender Identity.

The intentional or persistent refusal to respect a preferred or Affirmed Name or pronoun can constitute discrimination or harassment that is a violation of this Policy. This Policy does not prohibit inadvertent slips or mistakes in using an individual's preferred or Affirmed Name or pronoun.

9.2. Facilities Usage Aligned with Gender Identity

Individuals shall be provided access to facilities consistent with their Gender Identity.

9.3. Pregnancy Accommodations

The University is committed to protecting the rights of pregnant and expecting people, and to making Reasonable Accommodations for Pregnancy ([UAP 2760](#)), lactation ([UAP 2750](#)), and conditions related to Pregnancy for students, employees, and prospective students and employees. The University makes accommodations for expectant students and employees unless an accommodation has the end result of fundamentally altering the nature of the course or program, or have the end result of relieving, reallocating, or altering the essential functions of a job or place an undue hardship on the operation of the University. Students, employees, and applicants should contact CEEO if assistance is needed.

10. Consent

This section describes conditions under which Consent may be freely and affirmatively given and to clarify conditions under which Consent cannot be granted.

UNM prohibits consensual sexual activities or romantic relationships within the University community in which one person holds a position of direct professional influence or authority over the other, such as between faculty and students or supervisors and supervisees. See [UAP 2215](#) for more information on consensual sexual or romantic relationships.

10.1. Consent to Sexual Activity

Consent is 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.

Consent may be withdrawn at any time during sexual interaction through words or action, and once consent is withdrawn, continued sexual activity is without Consent. 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 (lack of protest or resistance) 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.

10.2. Incapacitation

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 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. CEEO 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 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 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 Consent.

11. Considerations Immediately Following an Incident of Sexual Assault, Stalking, Dating Violence, or Domestic Violence

UNM encourages individuals who have experienced Sexual Assault, Stalking, Dating Violence, or Domestic Violence to consider the following next steps.

11.1. Preserving Evidence

It is not uncommon for someone to forget details about an assault or other significant event, or to not want to report it. Even if an individual does not want to participate in a criminal or administrative process right away, they may change their mind later. Preserving evidence within the hours and days following an incident may also assist in proving a criminal offense occurred or may be helpful in obtaining a protection order. It also helps University officials determine whether a policy violation occurred in the administrative grievance process.

Taking the time to retain things such as text messages, call logs, or recordings can help reconstruct a timeline of events. Photographing injuries, documenting people spoken with before, during, or after an incident, making screenshots of social media posts, and preserving physical matter can help corroborate recollections of what occurred.

In the event of Sexual Assault, a timely Sexual Assault Nurse Examiner (SANE) exam can help preserve evidence, even if someone does not wish to report to law enforcement in the immediate aftermath or for some time of the assault.

Albuquerque Sexual Assault Nurse Examiner (SANE)

625 Silver Ave SW, 2nd Floor

Albuquerque, NM 87102

505-884-SANE (7263)

Information about other SANE locations can be found here: [SANE Programs and Coordinators - NMCSAP](#).

11.2. Restraining Orders

A restraining order is a court order that restricts someone from threatening, harassing, contacting, or going near another individual or their family, or even from having a gun. They are put in place for those who are worried about their safety because someone stalked, threatened, abused, or assaulted them. A court may grant a restraining order after it receives a statement in the form of a petition or affidavit from a petitioner (the person requesting it). The petitioner does not need a lawyer to request a restraining order from the courts. CEEO does not have the authority to issue restraining orders and does not petition for restraining orders on behalf of individuals. UNM encourages anyone who petitions for a restraining order to provide a copy of their petition to the University of New Mexico Police Department (UNMPD). In addition to maintaining a hard copy for the petitioner so it is always accessible in the event of a technological failure, UNMPD can help with obtaining an order and, when the Respondent lives on or near campus, assist with serving the order to the Respondent. UNMPD can help the petitioner locate a domestic violence advocate and drive petitioners to domestic violence advocate meetings. Domestic violence advocates can assist petitioners through the court hearing proceedings. UNMPD can also conduct extra patrols at the petitioner's residence if they reside on campus (or work with external agencies to help if they live off campus).

11.3. No Contact Directives

A No Contact Directive (NCD) is an administrative, interim protective measure between two or more persons affiliated with UNM. It is a means of preventing unwanted contact and communication and serves as a way to help prevent harassment or disruptions to the learning environment within the University setting. Unlike a restraining order, which the courts issue and enforce, the University has no authority to limit contact and communication with someone unaffiliated with the University.

Students can request an NCD from the Dean of Students Office (505-277-3361 or doso@unm.edu). Both students and employees can request an NCD as a supportive measure through CEEO (505-277-5251 or ceo@unm.edu), and both students and employees can request an NCD through one of UNM's confidential support sites listed in Appendix B.

12. Reporting to UNM

12.1. How to Report

Reports and disciplinary complaints can be made to the Title IX Coordinator and CEEO by visiting the CEEO office during regular business hours at 609 Buena Vista Dr NE, Albuquerque, NM 87106, calling CEEO during regular business hours at 505-277-5251, emailing CEEO at ceo@unm.edu, or using the UNM EthicsPoint Hotline online form (unm.ethicspoint.com) or toll-free number at 1-888-899-6092.

Reporters are strongly encouraged to submit their reports via the EthicsPoint Hotline. This reporting method is secure and assists the University in ensuring reports are appropriately tracked, maintained, and addressed by the correct office on campus. In addition, the EthicsPoint Hotline allows individuals to submit anonymous reports. For more information about EthicsPoint, please see UNM's [EthicsPoint FAQ page](#).

UNM will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). In other words, whether or not a Complainant wishes to remain anonymous when reporting an incident of alleged Sexual Assault, Domestic Violence, Dating Violence, or Stalking to a University official, their personal information is never published or provided in any Clery Act crime statistic, daily crime log, or campus notification as described in [UAP 2745 \("Clery Act Disclosures and Programs"\)](#).

12.2. Employee Obligations

12.2.1. Employee Reporting Requirements

The UNM community has a role to play in ensuring the University effectively responds to Prohibited Conduct. All UNM staff and faculty, student employees, medical residents, fellows, post-doctoral fellows, graduate assistants, teaching assistants, research assistants, or anyone else employed by the University are required to report incidents that may violate this Policy, except as outlined in UNM policy or privileged under applicable laws.

Employees who receive information about a student, employee, or visitor who experienced discrimination, harassment, or retaliation must report the entirety of that information to CEEO **within 24 hours**, or as soon as reasonably practicable. This includes information obtained via third-party or rumors, as well as directly from the affected individual. Having knowledge of someone else reporting an incident of Prohibited Conduct does not fulfill an individual's reporting obligations. For information on failing to report concerns to CEEO, see Section 12.5. Failure to Report.

It is important to recognize that disclosing a concern of Prohibited Conduct might be traumatic, sensitive, and/or difficult. It is the employee's job to listen without judgment and respond with respect and kindness. It is not the employee's job to investigate the disclosure or seek additional facts beyond the initial disclosure. If the specific person or the campus community is in imminent harm, contact law enforcement immediately by dialing 911.

UNM employees who hold a supervisory role shall report all known or suspected discriminatory conduct to CEEO. If supervisors fail to notify CEEO when they know, or reasonably should have known, that a subordinate employee is being subjected to discrimination, supervisors could be held in violation of this Policy. Additionally, supervisors are expected to manage their workplaces in a fair and equitable manner and immediately report and address allegations of discrimination. CEEO will assist supervisors in these circumstances.

12.2.2. Employees as Witnesses

When a witness to alleged misconduct is also a Responsible Employee, they are required to provide CEEO with all details and facts related to the alleged misconduct. A Responsible Employee's intentional refusal to provide relevant information under CEEO processes could result in discipline for failing to report under this Policy. If CEEO requests a Responsible Employee participate as a Witness, they are strongly encouraged to do so.

12.2.3. Mandatory Training for Employees

All employees must complete training on (1) UNM's obligations to address Sex Discrimination and sexual misconduct, (2) mandatory reporting duties and timelines, and (3) how to respond to disclosures and connect individuals to resources.

Employees must complete mandatory training according to applicable personnel onboarding procedures. Training may be completed through Learning Central or via live training provided by CEEO. Failure to complete required training may result in corrective or disciplinary action.

12.2.4. Training for Individuals Involved in the Grievance Process

Individuals serving in roles within the grievance process under this Policy – such as the Title IX Coordinator, investigators, Hearing Officers, sanctioning officials, appeal officers, Advisors provided by the University, individuals facilitating Alternative Resolution processes, and any Decision Maker related to processes undertaken pursuant to this Policy – are required to complete training appropriate to their roles before participating in the grievance process and on an ongoing basis thereafter.

12.3. Confidential Employees

The Title IX Coordinator designates employees within certain departments at UNM as confidential employees. Confidential employees are exempt from the reporting obligations described in Section 12.2.1. of this Policy within the context of providing direct services to individuals. Confidential employees receiving information about potential Prohibited Conduct disclosed to them are not required to share identifiable information to CEEEO. This is to ensure that individuals who experience potential Prohibited Conduct can seek support and guidance at the University, even if they do not want to engage with CEEEO or law enforcement. If a confidential employee witnesses potential Prohibited Conduct, they must report their observations to CEEEO.

A disclosure to a confidential employee will not result in an identifiable report to CEEEO.

UNM encourages students to consult with a confidential employee on campus who can guide them through available options. Professionals at these sites provide safe and welcoming environments on campus and are trained to help impacted individuals decide how to move forward in a direction of their choosing. Information provided to a confidential employee does not generate a formal Report, however, they can help the Complainant make a report to law enforcement and/or the UNM administration should they wish to report to either one. Certain sites can also offer advocacy services and assist with requesting, accessing, or requesting changes to supportive and/or protective measures, which are available following a disclosure—regardless of whether someone decides to report to law enforcement. Confidential employees serve students and employees at all UNM branch campuses. A list of confidential reporting sites can be found in Appendix B.

Employees at UNM who are confidential for purposes of this Policy still have reporting obligations as Campus Security Authorities (CSAs) under the Clery Act. CSAs are required to report all crimes that are reported to them or that they personally witness as soon as possible and may do so by using de-identified information about the parties involved. For more information about CSA reporting requirements under the Clery Act, see [UAP 2745 \("Clery Act Disclosures and Programs"\)](#).

Confidential employees may be asked to provide de-identified, aggregate information regarding the nature and frequency of reports received and of supportive measures facilitated by the confidential employee, solely for purposes of compliance monitoring, trend analysis, and resource allocation.

12.4. Contractors and Program Partners Reporting Responsibilities

Contractors and Program Partners must promptly report any information they receive about conduct:

- Involving a UNM student or employee; and
- Occurring within or arising from a University program or activity in which the UNM student or employee is participating, that may constitute Prohibited Conduct, whether the information is disclosed directly, observed, or reported to them by a third party.

Reports must be made regardless of whether the information was disclosed directly, observed, or conveyed by a third party.

12.5. Failure to Report

Failing to report potential incidents of Prohibited Conduct is a violation of this Policy and can result in disciplinary action.

Failure by a Contractor or Program Partner to comply with reporting obligations in this Policy may result in:

- Removal from participation in University programs or activities;
- Modification, suspension, or termination of the Contract or Program Partner's contract, affiliation agreement, or site authorization;
- Ineligibility for future University contracts, placements, or partnership agreements; and/or
- Other appropriate action as permitted by University policy or agreement.

Allegations of failure to report are administrative violations that do not require the filing of a Formal Complaint and are resolved through administrative processes rather than the Administrative Hearing procedures described in this Policy.

12.6. Amnesty

UNM encourages Complainants and witnesses to report crimes or misconduct they see or experience. Sometimes, Complainants or witnesses are hesitant to report to UNM officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs, at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to UNM officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the grievance process. To encourage reporting and participation in its procedures, UNM offers parties and witnesses amnesty from minor policy violations when such violations are related to the incident being reported. Amnesty does not apply to more serious allegations that place the health or safety of any other party at risk such as physical abuse of another, illicit drug distribution, or involve plagiarism, cheating, or academic dishonesty. UNM cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecution are made by District Attorneys' Offices in the state criminal justice system and by U.S. Attorneys' Offices in the federal criminal justice system.

12.7. Reporting to the Office of Civil Rights and Other Government Agencies

Concerns about UNM's application of this policy and compliance with certain federal civil rights laws may also be addressed with the following federal agencies.

Office for Civil Rights (OCR), U.S. Department of Education

400 Maryland Ave, SW
Washington, DC 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>
[Online Complaint Portal](#)

U.S. Department of Health and Human Services Office of Civil Rights (for complaints in the UNM Health System)

200 Independence Ave, SW
Room 509F, HHH
Washington, DC 20201
Toll-free: 800-368-1019
TDD toll-free: 800-537-7697
[Online Complaint Portal](#)

U.S. Department of Housing and Urban Development (for complaints concerning student housing)

Fort Worth Regional Office of FHEO
U.S. Department of Housing and Urban Development
307 W. 7th Street
Suite 1000
Fort Worth, TX 76102
Phone: 817-978-5900
Toll Free: 800-669-9777
Website: <https://www.hud.gov/repothousingdiscrimination>
[Complaint Form](#)

New Mexico Higher Education Department (for students)

2044 Galisteo Street, Suite 4

Santa Fe, NM 87505-2100

Phone: (505) 476-8400

Website: <https://hed.nm.gov/students-parents/student-complaints>

[Complaint Form](#)

New Mexico Human Rights Bureau (for complaints under the NMHRA)

P.O. Box 1928

Albuquerque, NM 87103

Phone: (505) 827-6838

Website: <https://www.dws.state.nm.us/en-us/Contact>

Equal Employment Opportunity Commission (EEOC) – Phoenix District Office (for employees and applicants to employment)

3300 North Central Avenue, Suite 690

Phoenix, AZ 85012-2504

Phone: 1-800-669-4000

Website: <https://www.eeoc.gov/>

12.8. Reporting to a Law Enforcement Officer

If you or someone else is in immediate danger, dial 911. UNM encourages accurate and prompt reporting of all crimes to the campus police or local law enforcement, when the victim of a crime elects to, or is unable to make such a report. You have the right to be assisted by campus authorities in notifying law enforcement authorities at any time. However, the University recognizes that victims have a choice to make such a report, and you also have the option to decline to notify such authorities. [UAP 2745 \("Clery Act Disclosures and Programs"\)](#) contains additional information about reporting crimes to University officials for the purposes of timely warning and statistical disclosures. For help with connecting with law enforcement, contact CEEO at 505-277-5251.

13. Written Notification of Rights and Options; Resources

When a student or employee reports to UNM that the student or employee has been a victim of Dating Violence, Domestic Violence, Sexual Assault or Stalking, whether the offense occurred on or off campus, UNM will provide the student or employee a written explanation of the student's or employee's rights and options; UNM's procedures for disciplinary action; existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services

available for victims, both within the institution and in the community; and options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, also known as “supportive measures.” This information is provided in a standalone document called [A Survivor’s Guide to Rights & Options at UNM](#).

14. Supportive Measures

UNM offers and implements appropriate and reasonable supportive measures to the parties following a Report of potential Prohibited Conduct.

Supportive measures are confidential, reasonably available, individualized services offered as appropriate and without cost to the parties to restore or preserve access to UNM’s Educational Program or Activities. These measures are designed to protect the safety of the parties or the educational or work environment, and/or to deter harassment or retaliation and may or may not be protective in nature.

Supportive measures must not be unreasonably burdensome to a party or be imposed for punitive or disciplinary reasons. Supportive measures may include but are not limited to counseling, extension of deadlines, restrictions on contact applied to one or more parties, extra patrols at someone’s on-campus residence, campus escorts, creating a safety plan, and changes in class, work, or housing. Both Complainants and Respondents may request supportive measures.

CEEEO works with other departments as appropriate to promptly provide supportive measures if the Complainant or Respondent requests them and if they are reasonably available, regardless of whether they choose to report the crime to campus police or local law enforcement. See the [CEEEO Grievance Procedure](#) (CGP) or contact CEEEO for more information about supportive measures.

14.1. Confidentiality

UNM maintains as confidential any supportive measures, accommodations, or protective measures (i.e., supportive measures) provided to the victim of an alleged VAWA offense (Sexual Assault, Stalking, Dating Violence, or Domestic Violence) and all other claims under this Policy, to the extent that maintaining such confidentiality would not impair the ability of the University to provide accommodations or protective measures (supportive measures). If information needs to be shared among UNM officials, it must be on a need-to-know basis and as authorized under University Administrative Policy and federal and state law.

15. Emergency Removal

Under Title IX, the University can remove a student Respondent alleged to have engaged in any form of Sex Discrimination or Sexual Harassment, entirely or partially, from its Education Programs or Activities on an emergency basis when it determines, based on an individualized safety and risk assessment, that they pose an imminent and serious threat to the physical health or safety of any student or other individual arising from the allegations of Sex Discrimination or Sexual Harassment. Emergency removal is a temporary, safety-based measure and will be implemented only after consideration of whether less restrictive supportive or interim measures would adequately address the identified safety concerns.

This risk analysis is performed by the University’s Threat Assessment Team (TAT) in collaboration with

the Title IX Coordinator. Risk assessments are documented.

In all cases in which the University imposes an emergency removal, the University will provide the student Respondent with written notice of the emergency removal and an opportunity to challenge the decision following the removal. Procedural information for the challenge process can be found on [CEEEO's website](#).

Nothing in this Policy limits the University's authority to place an employee Respondent on administrative leave during a pending investigation or resolution process consistent with applicable law, University policy, and any applicable contractual or collective bargaining obligations.

16. Procedures for Resolution of Complaints of Prohibited Conduct

Individuals who experience potential Prohibited Conduct have a variety of options available to them including confidential support.

Administrative options include, but are not limited, to the following.

- Filing a Formal Complaint to request an investigation and determination as to whether the Prohibited Conduct occurred;
- Requesting an Alternative Resolution process, including but not limited to mediation;
- Filing an informal report in conjunction with a request for supportive measures; and
- Filing a report on behalf of someone else who may have been subjected to Prohibited Conduct.

Each of the above options may include tailored supportive measures that are reasonably available to assist in providing parties with the support needed to continue learning and/or working at UNM.

When the University receives a Formal Complaint of potential Prohibited Conduct alleging a violation of this Policy, the University will promptly and equitably respond, investigating and adjudicating the Formal Complaint pursuant to the guidelines and procedures set forth below.

Different procedures apply to the complaint resolution process depending on the circumstances of a case, including the type of Prohibited Conduct that is alleged. Further information about the different procedures is provided below.

16.1. Initial Meeting Between Complainant and CEEEO

In most cases, the first step of the complaint resolution process is a preliminary meeting between the Complainant and a CEEEO staff member. The purpose of the preliminary meeting is to allow CEEEO to gain a basic understanding of the nature and circumstances of the Report; it is not intended to be a full investigation interview.

As part of the initial meeting with the Complainant, the CEEEO staff member will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the Complainant;

- Notify the Complainant of the right to contact law enforcement and seek medical treatment;
- Notify the Complainant of the importance of preservation of evidence;
- Provide the Complainant with information about on- and off-campus resources;
- Notify the Complainant of the range of available supportive measures with or without filing a Formal Complaint;
- Provide the Complainant with an explanation of the procedural options, including how to file a Formal Complaint, if not already filed, and the complaint resolution process;
- Advise the Complainant of the right to have an Advisor of choice, as applicable under this policy;
- Discuss the Complainant's expressed preference for the manner of resolution and any barriers to Proceeding;
- Notify the Complainant of the amnesty provision under this policy; and
- Explain the University's policy prohibiting Retaliation.

All Reports and Formal Complaints of Prohibited Conduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with appropriate school officials, such as the [Campus Assessment and Response Education \(CARE\)](#) team or the [Crisis Management and Preparedness Department \(CMPD\)](#).

If the Title IX Coordinator determines that the facts of the Report or Formal Complaint, even if substantiated, would not constitute a violation of this Policy, the Title IX Coordinator may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the Complainant will be informed of other procedures for resolving the matter and of other resources that may be available to the Complainant.

16.2. Formal Complaint and Notice of Jurisdiction

The filing of a Formal Complaint begins the complaint resolution process. In most cases, Formal Complaints are made by the Complainant. However, the University reserves the right to move forward with the complaint resolution process to protect the safety and welfare of the community, even if a Complainant chooses not to make or move forward with a Formal Complaint. Generally, the Title IX Coordinator will decide whether the University will move forward with a complaint resolution process when the Complainant chooses to not file a Formal Complaint.

If the University decides that it should move forward with the complaint resolution process, the Title IX Coordinator will sign the Formal Complaint and the University will notify the Complainant before proceeding. The Title IX Coordinator signing the Formal Complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the Respondent.

When the Title IX Coordinator has received a Formal Complaint, the Title IX Coordinator will assess the Formal Complaint to determine if it states any allegations of Prohibited Conduct. If the Formal

Complaint alleges Prohibited Conduct, the Title IX Coordinator or their designee will assign the matter to a CEEO investigator who will provide a written notice of allegations (referred to as a “Notice of Jurisdiction”) to the parties who are known. The written notice will include:

- Notice of the University’s complaint resolution process, including the Alternative Resolution process;
- Notice of the allegations, including the identities of the individuals involved in the incident(s), if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged 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 complaint resolution process;
- Notice that the parties have the right to an Advisor of choice, as applicable under this Policy, who may be, but is not required to be, an attorney;
- Notice that the parties have the right to inspect and review evidence, as applicable under this Policy; and
- Notice of Policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process.

If the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a Formal Complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

When the Title IX Coordinator has received a Formal Complaint of Prohibited Conduct, the CEEO investigator will also meet with the Respondent and will:

- Notify the Respondent of the Formal Complaint and alleged Policy violation(s);
- Provide the Respondent an explanation of any applicable procedural options and the complaint resolution process;
- Notify the Respondent of the importance of preservation of evidence;
- Notify the Respondent of any supportive measures that have been put in place that directly relate to the Respondent (e.g., no contact directive);
- Notify the Respondent of the range of available supportive measures;
- Provide the Respondent with information about on- and off-campus resources;
- Advise the Respondent of the right to have an Advisor of choice, as applicable under this Policy;
- Notify the Respondent of the amnesty provision under this Policy; and
- Explain the University’s Policy prohibiting Retaliation.

This stage of initial review of the Formal Complaint by the Title IX Coordinator and initial notice of the Jurisdiction to the parties generally will take no more than ten (10) business days.

16.3. Investigation of Other University Policy Violations

If a Formal Complaint of Prohibited Conduct also implicates alleged violations of other UNM policies, the Title IX Coordinator, in coordination with other appropriate University officials, will evaluate the allegations to determine whether the investigation of the alleged Prohibited Conduct and the other alleged policy violations may be appropriately investigated together without unduly delaying the resolution of the Formal Complaint.

As an example, if CEEEO received a complaint in which both Sexual Harassment and a violation of UNM's computer use policy were alleged, the Title IX Coordinator would evaluate the report to determine whether both violations should be investigated jointly. If the investigation did proceed jointly, both CEEEO and the other appropriate UNM department would proceed under the process requirements outlined in the CEEEO Grievance Procedures (CGP).

When the conduct is investigated together, the OAH will evaluate the alleged conduct under each of the applicable policies, in accordance with the CGP and Administrative Hearing Procedures.

When there are alleged violations to which the CGP does not apply, the allegations may proceed separately from CEEEO processes under concurrent University processes.

16.4. Consolidation of Formal Complaints

The University reserves the right to consolidate Formal Complaints into one complaint resolution process for allegations of Prohibited Conduct of one Complainant against more than one Respondent, by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

16.5. Investigative Process

UNM will appoint one or more trained and impartial investigators to conduct a prompt and equitable investigation. In most cases, the investigation will be conducted by an investigator from CEEEO, but UNM may, in its discretion, appoint any other trained investigator who is free of conflict of interest and bias. The parties will receive written notice of the investigator appointed. If a party has a concern that the investigator has a conflict of interest or bias, the party should report the concern in writing as explained in Section 19.

The investigator will conduct the investigation in a manner appropriate to the circumstances of the case. The investigation will typically involve interviews of the Complainant and Respondent and may also involve questioning of other Witnesses and/or review of other information.

The parties will have the opportunity to advise the investigator of any Witnesses they believe should be interviewed, other evidence they believe should be reviewed by the investigator, and questions they believe the investigator should ask the other party or Witnesses, including questions challenging credibility. The Complainant and Respondent will be given an equal opportunity to present Witnesses

they believe should be interviewed and who will provide relevant information to the investigator. The parties will also be able to present other evidence as part of the investigation. Evidence should be limited to information that can prove or disprove the allegations. Parties must suggest a Witness(es) be interviewed during the investigation itself, prior to the issuing of the investigative report. In the event of extraordinary circumstances that prevent the party from making the suggestion during the investigation, the party may request the Hearing Officer and Title IX Coordinator consider including the Witness as part of the grievance process.

The investigator, in consultation with the Title IX Coordinator, may assess the relevancy of any Witness(es), evidence, or questions a party proposes. At their discretion, the investigator may decline to interview the Witness(es) a party suggests. The investigator may also interview Witnesses who were not suggested by either party. Likewise, the investigator may decline to ask a question either party suggests.

CEEO will simultaneously notify both parties of a close-of-evidence date, from which time no additional evidence is collected. The parties must submit all information and evidence they would like CEEO to consider as part of the investigation by the close-of-evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence they wish to offer or refer that existed prior to the close-of-evidence date except to respond to information contained in the Initial Investigative Report. Parties must provide all evidence they wish to offer or refer to at the Administrative Hearing as part of the investigation process prior to the close-of-evidence date. In the event of extraordinary circumstances that prevent the party from providing such all evidence during the investigation, the Hearing Officer and Title IX Coordinator may consider providing additional time.

At the conclusion of the investigation, the investigator will prepare investigative reports that fairly summarizes the relevant evidence and provide both parties the opportunity to review it before forwarding the report to the OAH (See Section 16.5.1. Investigative Reports for more information).

The University will strive to complete the investigation within 60 to 90 business days from the date the Formal Complaint was filed. This time frame may be extended depending on the circumstances of each case.

16.5.1. Investigative Reports

Both parties will have the opportunity to inspect and review all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. This includes evidence on which the University does not intend to rely in reaching a determination regarding responsibility, as well as all inculpatory and exculpatory evidence obtained from a party or other source.

The investigator will simultaneously send such evidence as part of an Initial Investigative Report to each party and each party's Advisor in electronic format or hard copy. The parties will have a 10-business day period to review the Initial Investigative Report and prepare a written response. Each party must submit their response to the Initial Investigative Report to the CEEO within the 10-business day period. In the investigative report, the investigator will categorize evidence into relevant evidence (referred to as "Appendix I") or irrelevant evidence (referred to as "Appendix II").

Parties may use their respective responses to the Initial Investigative Report as an opportunity to:

- Clarify information contained in the evidence,

- Present their viewpoint on whether the evidence is relevant and therefore should or should not be included in the investigative report,
- Identify evidence previously provided to the investigator that was not included Appendix 1 which the party believes is directly related and relevant, and
- Provide evidence to the investigator that was not reasonably available before the Initial Investigative Report was issued.

While the parties may allow their respective Advisor or Support Person to help them prepare their response to the Initial Investigative Report, the party must submit their response on their own behalf.

The investigator will review the parties' responses and may remove or redact any portion of it that exceeds the permitted scope of information that may be considered in the complaint resolution process (such as medical records or information subject to a legal privilege without a waiver).

The investigator will consider the parties' responses to the Initial Investigative Report, compile a Final Investigative Report that contains evidence collected during the ten-day review period, and send it simultaneously to the parties as well as the OAH.

16.6. Rights of Parties

Throughout the CEEO grievance process, the Complainant and Respondent have equal rights to be treated with respect, dignity, and sensitivity throughout the process, to information on how the University will protect their confidentiality, and to present evidence or other information they feel is relevant to the matter.

Proceedings throughout the process will:

- Include a prompt, fair and impartial process from the initial investigation to the final result,
- Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability,
- Provide the Complainant and Respondent with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an Advisor of their choice.
- Not limit the choice of Advisor or presence for either the Complainant and Respondent in any meeting or institutional disciplinary proceeding; however, the University may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
- Require simultaneous notification, in writing, to both the Complainant and Respondent, of:
 - The Result of any institutional disciplinary Proceeding that arises from an allegation of Dating Violence, Domestic Violence, Sexual Assault, or Stalking;
 - UNM's procedures for the Complainant and Respondent to appeal the result of the institutional disciplinary proceeding;

- Any change to the Result; and
- When such Results become final.

Following a CEEO investigation, the Administrative Hearing determination, and the imposition of sanctions if applicable, the Complainant and Respondent have equal rights to file an appeal. More information on appeals can be found in Section 17 herein.

16.7. Alternative Resolutions

Following a Formal Complaint, either party may request to move forward under the Alternative Resolution process at any time before the University reaches a determination regarding responsibility. Alternative Resolution is not disciplinary in nature. Any Alternative Resolution must adequately address the concerns raised, the rights of the Respondent, and the overall intent of the University to stop, remedy, and prevent Prohibited Conduct. The Alternative Resolution process is voluntary. The University will not compel a Complainant or Respondent to directly engage or confront the other party or to participate in a particular form of Alternative Resolution.

With respect to Title IX Sexual Harassment, the University may only facilitate an Alternative Resolution process when both parties voluntarily agree to do so. However, in cases involving allegations that an employee engaged in Title IX Sexual Harassment against a student, Alternative Resolution is not allowed. In most cases involving allegations of Sexual Assault, Alternative Resolution may not be appropriate.

Prior to engaging in an Alternative Resolution process, the University will simultaneously provide the parties with a written notice disclosing: the allegations, the requirements of the Alternative Resolution process to include the circumstances under which the process precludes the parties from resuming a Formal Complaint, and any consequences resulting from participating in the Alternative Resolution process which includes the records that will be maintained or could be shared with University officials as appropriate. The University will obtain the parties' voluntary, written Consent to the Alternative Resolution process through a signed participation agreement.

If the Complainant, the Respondent, and the University all agree to proceed with the Alternative Resolution process, the assigned CEEO staff member will strive to promptly and equitably facilitate a resolution that is agreeable to all parties. CEEO will not act as an advocate for either party in the process, but will help the parties reach a resolution in a non-adversarial manner.

The University may collect information related to the claim to the extent fact-gathering is useful to resolve the Formal Complaint and as necessary to protect the interests of the parties, the University, and the University community.

The Complainant, Respondent, and University all have the option to stop an Alternative Resolution process and pursue an investigation at any time before a resolution is reached.

The Alternative Resolution process generally will take no more than twenty (20) business days. In some cases, more time may be required.

Failure to comply with the agreement may result in disciplinary action. All violations of an Alternative

Resolution agreement (i.e., failure to comply) should be reported to the CEEEO, who may refer it to the Dean of Students Office (for students), Human Resources (for employees), Health Sciences Center (HSC) Academic Affairs (for HSC faculty), or the Office of the Provost (for central and branch campus faculty) who may choose to address the noncompliance.

16.8. Dismissal

In the event CEEEO dismisses all or part of a Formal Complaint, it will simultaneously issue a dismissal letter to the parties, summarizing the evidence collected and justification for the dismissal. Either party may appeal a dismissal by following the procedures in Section 17.

If CEEEO dismisses all of a Formal Complaint, the University reserves the right to refer the matter to the Dean of Students Office (for students), Human Resources (for employees), HSC Academic Affairs (for HSC faculty), or the Office of the Provost (for central and branch campus faculty) for them to review as they deem appropriate.

16.8.1. Mandatory Dismissal

CEEEO will dismiss a Formal Complaint if at any point, the following circumstances are met:

- A. The evidence gathered is insufficient to show that discriminatory or harassing behavior took place;
- B. The conduct described is not civil rights related; or
- C. The concern does not fall within CEEEO's Jurisdiction.

In addition to the above circumstances, CEEEO will dismiss all or part of Title IX Sexual Harassment claims if, at any point, the jurisdictional elements set forth in Section 7.2. of this Policy are no longer met.

16.8.2. Discretionary Dismissal

CEEEO may, at its discretion, dismiss all or part of a claim prior to adjudication in certain circumstances. Circumstances that may lead to dismissal include, but are not limited to:

- A. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein,
- B. The Respondent is no longer enrolled or employed by the University, or
- C. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

16.9. Adjudication

Upon completion of the Formal Investigation, CEEEO will compile the investigative file which will be shared with the OAH. The OAH will assign a Hearing Officer to promptly and equitably hold a live Administrative Hearing and to issue a written determination regarding responsibility. If a finding of

responsibility is made, a sanction will be included by the appropriate sanctioning authority. If any party has a concern that the Hearing Officer has a conflict of interest or bias, the party should report the concern in writing as indicated in Section 19 of this Policy.

16.9.1. Live Hearings

The live Administrative Hearing will generally be held by video conference to enable the Hearing Officer and parties to simultaneously see and hear each other. The participants involved in a live Administrative Hearing include the Complainant, Respondent, Complainant's Advisor, Respondent's Advisor, and permitted Witnesses for each party. An Advisor is an individual selected by the Complainant or Respondent to support them throughout the Administrative Hearing process and perform cross-examination during the Administrative Hearing.

At the live Administrative Hearing, each party's Advisor is permitted to ask the parties and any Witnesses relevant questions and follow-up questions, including those challenging credibility. Such questions are conducted directly, orally, and in real-time by the party's Advisor and will never be conducted by a party personally.

Before a Complainant, Respondent, or Witness answers a question at the Administrative Hearing, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove Consent. The OAH will create an audio or audiovisual recording, or transcript, of any live Administrative Hearing, that can be requested at the end of the hearing process.

16.9.2. University Appointed Advisors

An Advisor is required to be present at the Administrative Hearing to conduct cross-examination and other questioning on behalf of their party. If a party is unable to obtain an Advisor, or requests the OAH to appoint an Advisor, the OAH will provide an Advisor for the party, without fee or charge. If a party will not have an Advisor present at the Administrative Hearing, the party must inform the OAH as soon as possible. The appointed Advisor's role includes relaying the party's questions to be asked of the other party and Witnesses and support the party during the hearing process in a capacity the party decides.

16.9.3. Live Hearing Procedures

More information about live Administrative Hearing procedures is available at [Administrative Hearing Procedures: Allegations of Violations of Civil Rights](#).

16.9.4. Decision-Making Process

The presumption is that the Respondent is not responsible for a policy violation. The Respondent will be deemed responsible for a Policy violation only if the Hearing Officer concludes, by a preponderance of the evidence, that sufficient evidence supports a finding that the Respondent violated University policy.

Under this standard, it is more likely than not, based on the relevant evidence, that a policy violation occurred.

The Hearing Officer will not draw any inference regarding responsibility based on a party's or witness's absence from the live hearing or refusal to answer questions, including cross-examination. If the Hearing Officer determines that the Respondent is responsible for a Policy violation, the OAH will notify the appropriate sanctioning body – the Dean of Students Office (for students), Human Resources (for employees), Health Sciences Center (HSC) Academic Affairs (for HSC faculty), or the Office of the Provost (for central and branch campus faculty) – to determine what sanctions are warranted. The Title IX Coordinator has discretion to appoint a different sanctioning officer who is free of bias or conflict of interest, as the Title IX Coordinator determines appropriate.

In determining sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the sanctioning body with information regarding any prior violations of this or other University policies by the Respondent. If such information is shared, the parties will be notified and provided access to it. When a Respondent is found not responsible for a policy violation but is nevertheless found to have engaged in inappropriate conduct, the University may, at its discretion, require the Respondent to complete appropriate education or training and may recommend counseling or other support services.

16.10. Outcomes of the CEEO Process

If an Administrative Hearing is held at the conclusion of a CEEO investigation, the Administrative Hearing may result in a variety of ways, including disciplinary sanctions for the Respondent and remedies for the Complainant if there is a finding of responsibility.

16.10.1. Sanctions

If, after the conclusion of the grievance procedure and live Administrative Hearing, the Hearing Officer or other Decision Maker finds the Respondent responsible for violating this Policy, the University will impose sanctions pursuant to applicable disciplinary policies and procedures. Sanctions may include, but are not limited to, the following. Note that the sanctions list is exhaustive for policy violations involving any VAWA offense. There can be no substantive discussion of the findings or Hearing Officer's determination, or discussion of the sanctions imposed, with either the Complainant or Respondent prior to simultaneous notification to both of the Result.

These sanctions are determined by applicable student, staff, and faculty policy and are subject to update as determined by the respective policy.

Sanction Type	Sanction	Students (Non-unionized and Unionized)	Staff (Non-unionized and Unionized)	Faculty (Non-unionized and Unionized)
Administrative	Probation	Yes	Yes	Yes
	Restitution	Yes	No	No
	Verbal Warning	Yes	Yes	Yes
	Written Warning	Yes	Yes	Yes
Educational/ Restorative	Assessments	Yes	No	No
	Civic Service	Yes	No	No

	Community Engagement	Yes	No	No
	Educational Assignment	Yes	No	No
	Meetings/Coaching/Training	Yes	Yes	Yes
	Workshops	Yes	No	No
Restrictive	Barrment/Removal from Campus	Yes	Yes	Yes
	Denial of Admission, Readmission, Employment, or Rehire	Yes	Yes	Yes
	Contact Restrictions	Yes	Yes	Yes
	Residential Restrictions	Yes	No	No
Status	Discharge/Dismissal/Termination	Yes	Yes	Yes
	Expulsion	Yes	No	No
	Suspension	Yes	Yes	Yes

These sanctions are determined by applicable student, staff, and faculty policy and are subject to update as determined by the respective policy.

Administrative Sanctions

- **Probation** means the establishment of a time period during which conduct will be assessed and further acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation. Disciplinary actions may be part of probation, such as denial of merit-based salary increase or mandatory counseling.
- **Restitution** means financial payment to the University for amounts assessed or incurred because of a Student Code of Conduct violation.
- **Verbal Warning** means an oral reprimand.
- **Written Warning** a letter of improvement, censure, or other written reprimand.

Educational/Restorative Outcomes

- **Assessments** means substance use or other health evaluations.
- **Civic Service** means community service.
- **Community Engagement** means an assignment to attend an event or engage in the life of the University community.
- **Educational assignment** means a research project, reflection prompt, readings, or other assigned learning experience.
- **Meetings/Coaching/Training** means scheduled meetings, conversations, or improvement discussions.
- **Workshops** means assignment to an educational program or participation in a workshop, to

include costs at the participant's expense.

Restrictions

- **Barrment/Removal from Campus** means being barred, physically escorted, or forcibly removed from any or all properties controlled by UNM.
- **Denial of Admission, Readmission, Employment, or Rehire** means refusal to allow an individual to enroll, reenroll, obtain employment, or be rehired for a position at UNM.
- **Contact Restrictions** means or communication or contact limitations or prohibition with other member(s) of the University community.
- **Residential Restrictions** means restrictions, relocation, or removal from University housing.

Status Sanctions

- **Discharge/Dismissal/Termination** means permanent, involuntary separation from employment or an active assistantship at the University.
- **Expulsion** means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
- **Suspension** means temporarily losing student or paid employment status for a specific period of time. Suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.

16.10.2. Remedies

Remedies for the Complainant are designed to restore or preserve equal access to the University's Education Program or Activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies and supportive measures for the Complainant include implementing or extending remedial or protective measures, including but not limited to the following examples:

- A permanent mutual no contact directive;
- Prohibiting an individual involved from being on University property;
- Prohibiting an individual involved from participating in University-sponsored events;
- Changing an individual's living, housing, or dining arrangements;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escort services;
- Referral to counseling (on- and/or off-campus, as appropriate);
- Providing information about New Mexico civil protective orders; or

- Helping identify an advocate who can help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address broader effects of misconduct on the UNM community include increased monitoring, supervision, and/or security at locations or in connection to activities where the Prohibited Conduct occurred or might reoccur, as well as targeted or broad-based education programming or training.

The Title IX Coordinator is responsible for the effective implementation of sanctions and remedies. The Title IX Coordinator may notify relevant administrative and academic offices, including the Financial Aid Office, the Registrar, Human Resources, UNMPD, the Dean of Students Office, the Provost's Office, or the Health Sciences Center Office of Academic Affairs, as appropriate and necessary to ensure that sanctions and remedies are implemented properly.

17. Appeals

Either the Complainant or the Respondent may appeal a decision to dismiss a Formal Complaint or any allegations in it, as discussed above in Section 16.8. Dismissal. The parties may also appeal the Hearing Officer's decision regarding responsibility or the imposed sanction, if any.

Grounds for appeals include:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that affected the outcome of the matter; and
- The Title IX Coordinator, investigator, or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally—or the individual Complainant or Respondent—that affected the outcome of the matter.

17.1. Submitting an Appeal

A Complainant or Respondent must submit an appeal within seven (7) business days of receipt of the decision through the following methods:

- Web form found on the [President's Office webpage](#),
- Email to President@unm.edu,
- Mail to MSC05 3300, Scholes Hall Suite 144, 1 University of New Mexico, Albuquerque, NM 87131, or
- Hand-delivered to the Office of the President at Scholes Hall Suite 144.

17.2. Consideration of an Appeal

The President's Office will log the appeal and provide the appropriate office(s) with a copy of the appeal.

The President's Office will request case files and contact information for the parties from the appropriate office(s).

The President's Office will email the appealing and non-appealing party acknowledging receipt of the appeal. Both parties will be given five (5) business days to submit a written statement in support of, or challenging the outcome brought forward on appeal to the President's Office for consideration. If an appeal alleges that CEEO or the Hearing Officer has not followed proper procedures, the OAH and/or CEEO will be given the opportunity to respond to the allegation.

17.2.1. Appeal Outcomes

The President's Office will email the decision to the appellant, non-appellant, and to other parties identified in Section 17.2. The President's Office will also copy the appropriate office(s). The outcome of the appeal may include one or more of the following:

- The President upholds the determination, sanction, or dismissal;
- The President overturns the determination, sanction, or dismissal; or
- The President remands all or part of the appealed determination or dismissal to the Hearing Officer, CEEO, or sanctioning body for additional proceedings or investigation.

Written notices of the President's decision will be provided to the appealing party, the Hearing Officer, CEEO and/or other appropriate offices. All other parties will be simultaneously notified of the decision by the President's Office.

17.2.2. Appeal to the Board of Regents

A Complainant or Respondent may submit an appeal 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.

A Complainant or Respondent who wishes to appeal the President's decision must do so in accordance with [RPM 1.5 \("Appeals to the Board of Regents"\)](#).

18. Providing False Information

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement and perceptions. Lack of corroborating evidence should not discourage individuals from seeking relief under this Policy. No adverse action will be taken against an individual who makes a good-faith allegation of discrimination or retaliation under this Policy, even if an investigation and subsequent hearing fails to substantiate the allegation.

However, the University may discipline employees or students when it determines the individual brought an accusation in bad faith or with reckless disregard for the truth or falsity of the claim.

Additionally, anyone participating in an investigation who intentionally misdirects an investigation, whether by falsehood or omission, may be subject to disciplinary action.

19. Conflicts of Interest

If a Complainant or Respondent has any concern that any individual acting for the University under this Policy has a conflict of interest or bias, for or against Complainants or Respondents generally—or the individual Complainant or Respondent—they are encouraged to report their concern in writing to the Title IX Coordinator.

Any concern regarding a conflict of interest or bias must be submitted within two (2) business days after receiving notice of the potentially conflicted/biased person's involvement in the process, or that concern may be waived. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone investigating or adjudicating a Formal Complaint under this Policy.

Any concern that the Title IX Coordinator has a conflict of interest or bias must be submitted in writing to the UNM Chief Compliance Officer. If the Chief Compliance Officer determines that the Title IX Coordinator has a conflict of interest with respect to a Formal Complaint, they will appoint another person to oversee adherence to this Policy with respect to the Formal Complaint at issue.

If a party simply knows an individual acting for the University under this Policy or has had some limited interaction with that individual, this will not be deemed a disqualifying conflict of interest or bias in most instances. However, the University encourages the parties to bring any concern of conflict of interest or bias to the Title IX Coordinator's attention for consideration.

19.1. Support Persons and Advisor Considerations

To preserve the fairness and integrity of the complaint resolution process, individuals who may serve as Witnesses, or who are within the supervisory or evaluative chain of a Complainant or Respondent, are strongly discouraged from serving as a Support Person or Advisor in the same matter. The Title IX Coordinator may discuss such concerns with the party and encourage the selection of an alternative Advisor.

20. Freedom of Speech and First Amendment Protection

This Policy is not intended to inhibit or restrict free speech or the expression of ideas. In cases of alleged harassment or discrimination involve issues of speech or expression, the protections of the First Amendment to the United States Constitution must be considered. UNM supports the principles and rights related to peaceful and open dialogue, expression, and academic freedom, but also recognizes that those rights are limited and do not extend to behavior prohibited by UNM's other policies, such as speech or expression that:

- A. Does not respect UNM's reasonable time, place, and manner regulations;
- B. Disrupts UNM's educational programs or activities; or
- C. Constitutes bullying, endangerment, or Retaliation.

More information about academic freedom and freedom of expression can be found in the References section below.

21. Appendices

[*A Survivor's Guide to Rights & Options at UNM*](#)

[Appendix A – Resources Following an Act of Sexual Harassment](#)

[Appendix B – UNM Confidential Resources and Sexual Misconduct Disclosure Obligations](#)

[Appendix C – UNM Branch Campus Resources](#)

22. References

[Title IX of the Education Amendments of 1972](#)

[Title VII of the Civil Rights Act of 1964](#)

[Americans with Disabilities Act \(ADA\)](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[Jeanne Clery Campus Safety Act](#)

[Violence Against Women Act \(VAWA\) Reauthorization Act of 2013](#)

[New Mexico Human Rights Act](#)

[Office for Civil Rights \(OCR\), U.S. Department of Education](#)

[UNM Student Code of Conduct](#)

[UNM Visitor Code of Conduct](#)

[RPM 2.1 \("Free Expression and Advocacy"\)](#)

[RPM 5.2 \("Academic Freedom and Tenure; Appointments and Promotions"\)](#)

[UAP 2220 \("Freedom of Expression and Dissent"\)](#)

[UAP 2760 \("Pregnancy or Related Conditions "\)](#)

[UAP 2745 \("Clery Act Disclosures and Programs"\)](#)

[Faculty Handbook B6: Academic Freedom and Tenure Committee](#)

[Faculty Handbook C07: Faculty Disciplinary Policy](#)

[Faculty Handbook D175: Undergraduate Student Conduct and Grievance Procedures](#)

[Faculty Handbook D176: Graduate Student Grievance Procedures](#)

Approval Signatures

Step Description	Approver	Date
President Approval	Sidney Mason-Coon: Policy Office, University Policy Officer	7/17/2026
Policy Office	Sidney Mason-Coon: Policy Office, University Policy Officer	7/17/2026
Policy Owner	Heather Jaramillo: Director of Equal Opportunity & ADA Coordinator	7/17/2026

Applicability

1. University-Level (RPM & UAP), 3. University Administrative (UAP)

Standards

No standards are associated with this document



**OFFICE OF
COMPLIANCE, ETHICS
& EQUAL OPPORTUNITY**

**CEEEO GRIEVANCE
PROCEDURE**

SEPTEMBER 28, 2026

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CEEO GRIEVANCE PROCEDURE

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

UNM is committed to providing equal access to educational and employment opportunities for all individuals. UNM considers the following as protected statuses, pursuant to federal and state law:^{1, 2}

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

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

¹ Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, religion, sex (gender), color, or national origin. The Pregnancy Discrimination Act (PDA) is an amendment to Title VII and prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions. 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. The New Mexico Human Rights Act of 1969 and its amendments prohibit discrimination in employment and education on the basis of race, age, religion, national origin, sexual orientation, gender identity, spousal affiliation, ancestry, sex, physical or mental disability, serious medical condition, and military status. The Age Discrimination in Employment Act of 1974 (as amended in 1986) prohibits discrimination in employment against individuals age 40 and over. 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.

² For definitions of each protected status, see University Policies 2720(4) and 2740(5).

Policies [2740](#), [2745](#), [2750](#), [2760](#), [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 Deputy Chief Officer, Director of Equal Opportunity, the Clery Coordinator, and the Title IX Coordinator.

CEEEO's grievance procedures do not restrict rights guaranteed under the First and Fourth Amendments to the U.S. Constitution nor the Due Process Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution. CEEEO shall comply with the Family Educational Rights and Privacy Act ("[FERPA](#)").

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

I. CGP DEFINITIONS

Actual Knowledge	Notice of sexual harassment or allegations received by CEEEO or the Title IX Coordinator regarding discrimination, including sexual harassment.
Advisor	A person chosen by a party or provided by UNM who acts as an advocate for the party during a UNM administrative hearing, if applicable. An Advisor acts as a party's representative during a hearing for the purpose of conducting cross-examination of witnesses and the opposing party.
Alternative Resolution	An informal process where CEEEO does not conduct an investigation, and the allegations in the complaint are therefore neither corroborated nor contested. An alternative resolution is not disciplinary in nature. In cases where a Title IX violation is alleged, two conditions must exist: 1) both parties must agree to an alternative resolution; and 2) the alleged conduct must not have been committed by a UNM employee against a student.
COA	Confirmation of Allegations. A Complainant's written statement of the allegations they are making against a Respondent or Respondents.
Complainant	The person or people who have experienced alleged violations of UNM civil rights policies.
COR	Confirmation of Response. A Respondent's written statement in response to a Complainant's COA.
Differential Treatment	Occurs when people – whether an individual or a group – are treated differently than similarly situated individuals because of their membership in a protected class.
Discrimination	Unwelcome conduct or action taken based on actual or perceived protected class which results in the denial of equal access to, unequal treatment in, benefits of, or otherwise adversely affects any term or condition of a person(s)'s employment, education, living environment, or participation in a UNM program or activity. Harassment (including hostile environment and quid pro quo) and differential treatment are forms of discrimination.
Education Program and Activity	Locations, events, or circumstances where UNM exercises substantial control over both the Respondent and the context in which harassment or discrimination occurs,

	and also includes any building owned or controlled by a student organization that is officially recognized by UNM.
Evidence	Evidence consists of, but is not limited to: eyewitness documents, records, statements, photos, video, security footage, audio recordings, social media, emails, text messages, cellular records, police reports, and any other information that would assist the investigator in finalizing a report.
Exculpatory Evidence	Evidence which tends to show that a Respondent is not responsible for an alleged policy violation.
Failure to Report	All University employees are required under University Policies 2720 and 2740 to report allegations of known or suspected violations of those policies within 24 hours or as soon as reasonably practicable. Failure to report to CEEO within a reasonable timeframe could be considered a violation of University policy.
Final Determination	The Hearing Officer's conclusion by a preponderance of the evidence deciding whether alleged conduct occurred and whether that conduct violates UNM policy.
Formal Complaint	A document filed by a Complainant or signed by the Title IX Coordinator or CEEO alleging discrimination, including sexual harassment against a Respondent pursuant to University Policy 2740 , and requesting that CEEO investigate the allegations of discrimination or harassment.
Hearing	The administrative adjudicatory process that takes place after CEEO has concluded its investigation of an alleged civil rights policy violation.
Hearing Coordinator	The individual responsible for coordinating a hearing among the parties, including Advisors, witnesses, and other hearing participants.
Hearing Officer	The individual responsible for evaluating the evidence presented by the parties at a hearing and issuing a subsequent determination as to whether a policy violation occurred.
Hostile Environment	Conduct sufficiently serious (severe or pervasive), objectively offensive, and subjectively offensive so as to deny or limit a person's ability to participate in or benefit from UNM's programs, services, opportunities, or activities, or conduct that has the purpose or effect of unreasonably interfering with a person's employment or education.
Inculpatory Evidence	Evidence which tends to show that a Respondent is responsible for an alleged policy violation.
Investigative Report	The report consisting of all the information gathered in a formal investigation, which includes: Complainant's statement(s), Respondent's statement(s), witness statements, and documentary evidence. Investigative Reports include the Initial Investigative Report and the Final Investigative Report.
Jurisdiction	Occurs when the circumstances of a complaint are such that CEEO is authorized by UNM Policy to investigate or remedy those circumstances or allegations.
Post-Closure Action	Informal action that may be taken after the closure of an investigation that does not proceed to a live hearing which is designed to stop alleged conduct and prevent its recurrence.
Preponderance of the Evidence	The relevant evidence gathered during an administrative investigation that demonstrates it is more likely than not that a policy violation occurred.
Protected Class or Status	A trait, characteristic, status, association, or belief recognized by law or policy as protected against unlawful discrimination. For specific definitions of each protected class, please see Policy 2720 at Section 4 and Policy 2740 at Section 5.1 .

Remedies	Remedies are measures provided to a Complainant when a Respondent is found to have violated UNM Policy 2740 for Title IX Prohibited Conduct. Remedies are designed to maintain a Complainant's equal access to education and may include the same individualized services described as supportive measures herein. Remedies need not avoid burdening the Respondent.
Respondent	The person or people responding to a complaint filed with CEEO or alleged to be responsible for the conduct reported to CEEO.
Retaliation	Any action taken in order to seek an adverse academic or employment result against any individual or group of individuals opposing discrimination, filing a complaint, reporting alleged discrimination, participating in a civil rights investigation, or filing an external civil rights complaint, whether or not such complaint was reported to CEEO.
Support Person	A support person is any person of a Complainant or Respondent's choosing who attends CEEO interviews and helps to guide the party through the CEEO process. A support person may accompany a Complainant or Respondent during CEEO meetings and interviews to provide personal support, guidance, or advice. A support person cannot speak or otherwise participate in a CEEO interview, but they can take notes during meetings and help a Complainant or Respondent understand the process, prepare questions, and stay organized. To preserve the fairness and integrity of the complaint resolution process, individuals who may serve as Witnesses, or who are within the supervisory or evaluative chain of a Complainant or Respondent, are strongly discouraged from serving as a Support Person in the same matter.
Supportive Measures	Non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UNM's educational environment, or deter harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. UNM will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair UNM's ability to provide the supportive measures. The Title IX Coordinator and/or Director of Equal Opportunity is responsible for coordinating the effective implementation of supportive measures, as appropriate.
Third-Party Report	A report filed by someone other than the party affected by civil rights violations, including an employee required to report, a witness, or other individuals with knowledge or information regarding potential civil rights violations.
Title IX	Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex or gender in any educational program or activity receiving federal financial assistance. Title IX violations include: sex/gender discrimination, sexual harassment, stalking, dating violence, domestic violence, and intimate partner violence, or any other form of sexual violence. See UAP 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct .

Unaffiliated	When a party is referred to as “unaffiliated,” it means that they do not have a direct relationship to UNM as a student, faculty, staff member, or contractor.
Union Representative	A union representative is a person from a party’s employment/labor union who may attend CEEO interviews and help guide the party through the CEEO process. A union representative cannot participate in CEEO interviews; rather, they act as an observer for the party.
Witness	Any person who may have knowledge of the evidence in an investigation or complaint. A Witness is not a party to the complaint resolution process.

II. NOTIFICATION AND CORRESPONDENCE WITH CEEO

CEEEO generally sends official notifications and other documentation to individuals’ official UNM email addresses; if an individual does not have a UNM email address, it is sent to an email address the individual provides. 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 ceeo@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 ceeo@unm.edu, by mail to CEEEO’s mailing address at 1 University of New Mexico, MSC05 3150, Albuquerque, NM 87131-0001, or by hand delivery to CEEEO during CEEEO’s regular business hours at 609 Buena Vista Dr. NE, Albuquerque, NM 87106.

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

III. 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 to retaliate against any person for asserting their civil rights or for reporting civil rights related misconduct, including sexual misconduct. These rights include but are not limited to: notifying UNM (faculty, staff) of civil rights concerns; filing a claim of discrimination; participating as a witness in an investigation; declining to participate in an investigation; or responding to allegations of civil rights violations. Retaliation or reprisal against any participant in an investigation will not be tolerated by UNM. Retaliation against a person who seeks assistance from CEEEO is grounds for a subsequent civil rights claim.

IV. 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 otherwise determined by CEEEO.

V. REPORTING CONCERNS; TYPES OF COMPLAINTS

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

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

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

- Complete and submit an online CEEO complaint form;
- Email (ceeo@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;
- In-person visit to CEEO's office during regular business hours; or
- Call 505-277-5251.

If an individual has a complaint about the application of this CGP, or would otherwise like to pursue civil rights claims outside of UNM, complaints may be made to the external agencies identified in [Policy 2720 at Section 15](#) and [Policy 2740 at Section 12.7](#).

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

A. Informal Complaint from Complainant

A Complainant may file an [informal complaint](#) of discrimination or harassment to seek supportive measures and as a means of obtaining information regarding their rights and the CEEO formal grievance procedure, as described in [Section VII](#). 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:

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

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

1. 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 of the alleged discrimination;
2. CEEO will offer the Complainant the opportunity to request supportive measures;
3. 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 verbally or in writing. CEEO may contact persons who submit complaints in order to discuss the details of the concerns and obtain additional factual information.

B. Formal Complaint from Complainant

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

The formal complaint shall:

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

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

C. Third-Party Reports and Reports from Employees Required to Report; Failure to Report

CEEEO receives reports from third-party reporters, employees who are required to report under Policies [2720](#), [2740](#), and [2745](#), or others who have information regarding potential civil rights violations. In these cases, the third-party report may lack the detail present in a Complainant's direct report. In such cases, CEEEO may reach out to the individual(s) the third-party reporter identifies as having experienced the civil rights violation or other witnesses 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, provide the Complainant with resources, determine the alleged Complainant's need for supportive measures, and how they wish to proceed.

1. Failure to Report (FTR)

When CEEO receives information that a UNM employee with reporting responsibilities, pursuant to University Policies [2720](#), [2740](#), and [2745](#), has failed to report allegations of known or suspected policy violations in a timely fashion, CEEO will initiate the process described in this section.

Depending upon the nature of the FTR, CEEO 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 CEEO under UNM Policies) and their supervisor. This memorandum serves as a reminder of the employee's duties as outlined in University Policies [2720](#), [2740](#), and [2745](#), and is not disciplinary or punitive. No CEEO investigation is conducted and no hearing is held.

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

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 Initial Investigative Report and provided to Respondent for review. Respondent will have **five (5) business days** from the date of the Initial Investigative Report to provide additional, factual, relevant information. CEEEO will then prepare a memorandum stating whether the information gathered demonstrates a violation of policy (POLICY VIOLATION or NO POLICY VIOLATION) and will provide the memorandum to Respondent. **There is no live hearing associated with an FTR investigation**; the determination of a policy violation is made by the CEEEO investigator. Respondent will have the same opportunity to appeal per the process outlined in [Section XI](#) herein. After the appeal window closes, CEEEO will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

Individuals who allege an employee has failed to report alleged violations of [2720](#), [2740](#), or [2745](#) are not made aware of any actions or outcomes related to an FTR allegation, as it is considered a personnel action and not civil rights misconduct.

D. Anonymous Reports

Individuals who report to CEEEO may choose to do so through anonymous means, such as through UNM's compliance hotline. CEEEO'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. Complete anonymity can never be guaranteed, as the specific allegations in a complaint may make the anonymous reporter identifiable. See [Section XII](#).

E. Report Filed by the Title IX Coordinator or CEEEO

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

F. False Reports

In the event CEEEO receives clear and credible information demonstrating that a Complainant or other filing party has submitted a false report, CEEEO 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 IX](#).

VI. JURISDICTION

CEEEO reviews discrimination complaints to determine whether it is authorized to address them. CEEEO's jurisdictional scope is outlined in [UNM Policy 2720\(5\)](#) and [UNM Policy 2740\(7\)](#), and generally applies to alleged misconduct 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 an employee's or student's work or academic environment.

CEEEO will not take action on a complaint filed with CEEEO unless it has jurisdiction over one of the parties involved and the subject matter as described in greater detail below:

1. The parties involved. CEEEO investigates policy violations. Therefore, the policy alleged to have been violated must apply to at least one of the people involved in the report.
2. The subject matter of the allegations underlying the complaint. CEEEO has jurisdiction to investigate alleged policy violations regarding civil rights. For CEEEO to have jurisdiction to investigate a complaint, the allegations must state facts that, taken in the light most favorable to the Complainant, qualify as an alleged violation of one or more of UNM's civil rights-related policies. If the allegations in the complaint do not allege sufficient facts demonstrating that one of UNM's civil rights policies have been violated, then CEEEO may not be able to accept jurisdiction and/or may dismiss the matter as outlined in [Section VII\(C\)\(3\)\(b\)](#). As noted above, CEEEO may take informal action related to allegations that do not, as alleged, violate UNM policy; therefore, UNM and CEEEO encourage anyone who has any concerns related to civil rights at UNM to bring their concerns to CEEEO.

To make a jurisdictional determination, CEEEO may also consider:

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

VII. FORMAL GRIEVANCE PROCEDURE

A. Formal Complaint

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

The Complainant shall 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 formal complaint may also be filed and signed by the Title IX Coordinator or CEEO where:

- The allegations are such that the University has an obligation under policy and/or law to investigate and/or address the allegations, regardless of the Complainant's participation;
- The allegations indicate potential patterns of conduct that are severe or pose ongoing harm to individuals or the campus community;
- A third-party report indicates alleged conduct that is severe or poses ongoing harm to individuals of the campus community.

CEEEO makes every effort to take the Complainant's wishes into account, but cannot guarantee, it will take no action where the allegations are severe or pose ongoing harm to individuals or the work or learning environment.

Neither the Title IX Coordinator nor CEEEO becomes a party to the case (i.e., Complainant) by signing a formal complaint.

B. Notice

Upon receipt of a formal complaint of discrimination as described in [Section VII\(A\)](#), CEEEO will notify the parties of the following:

1. A formal complaint has been received;
2. The ability to informally resolve the complaint. The parties must agree to an alternative resolution in cases alleging violations of Title IX Sexual Harassment. Alternative Resolutions are unavailable in cases where a UNM employee is alleged to have sexually harassed a student;
3. A notice of the allegations, including the identities of relevant participants if known;
4. The specific policy or policies that Respondent is alleged to have violated;
5. The date and location of the incident(s), if known;
6. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
7. Inform the parties that they may have an Advisor of their choice during any subsequent hearing, including an attorney at their own expense, if they choose;
8. Advise the parties of UNM policies prohibiting false statements. See [UNM Student Code of Conduct](#), Section 2.3; [University Policy 2720\(13\)](#); [University Policy 2740\(18\)](#).
9. Inform the parties about retaliation as described in University Policies [2720\(6.1\)](#) and [2740\(8\)](#);
10. Provide notice of any additional allegations that arise after the initial notice to the parties; and
11. State the purpose of all investigative interviews with a party, with enough time for the party to prepare for the interview.

C. Process Options

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

1. Withdraw the Complaint

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

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 VII\(C\)\(3\)\(b\)](#).

2. Alternative Resolution

An alternative 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 alternative 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 alternative resolution is NOT disciplinary in nature. **An alternative resolution will not be offered to facilitate a resolution where a staff or faculty member is alleged to have sexually harassed a student.**

A Complainant may elect to proceed with an alternative resolution after filing a formal complaint in all cases. For cases involving alleged Title IX violations, the parties must **both** agree, in writing, to an alternative resolution. 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 VII\(C\)\(3\)](#). As outlined in [Section VII\(C\)\(1\)](#), however, CEEO reserves the right to investigate or not to ensure compliance with UNM policy and related state and federal regulations.

An alternative 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 alternative 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;
- Refer the alleged behavior to the Respondent's supervisor or other authority figure to set expectations with respect to conduct and alignment with University policies;
- 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 alternative resolution occurs, CEEO sends follow-up correspondence to Respondent and/or to Respondent's supervisor or other authority figure (if applicable), documenting CEEO's actions. CEEO notifies Complainant of the action taken and, when appropriate, follows up with the parties regarding Complainant's initial concerns for **sixty (60) days**, to ensure the conduct at issue has stopped. At the conclusion of the sixty (60) day period, CEEO will close the case. CEEO may modify monitoring periods on a case-by-case basis.

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

3. Formal Investigation

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

- Be interviewed by the investigator;
- Review their own statements prior to the statement being included in an Investigative Report and distributed to the other party.
- Provide evidence to the investigator;
- Suggest witnesses to be interviewed by the investigator; 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 VII\(B\)](#) above. The Respondent will have the opportunity to provide additional information in response to any new allegations.

a. *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, a CEEO staff member will meet with the Complainant, if available, 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 CEEO's scope, the formal complaint will be dismissed. The parties who have been notified of the allegations will receive a dismissal letter outlining the justification and appeal information. A dismissal can happen at any point in the investigative process. If the matter falls within the scope of CEEO, notice will be sent to both parties as described in [Section VII\(B\)](#) and the complaint will proceed with the grievance process outlined herein.

b. *Dismissal Letter*

If at any point in the investigative process the evidence gathered indicates that no discriminatory or harassing behavior took place, the conduct described is not civil rights related, or does not fall within the jurisdiction of CEEO, 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 any point in the CEEO process if the alleged conduct does not fall within CEEO's jurisdiction (e.g., academic dishonesty, bullying).

i. *Mandatory Dismissals*

CEEEO will dismiss a formal complaint if at any point, one or more of the following circumstances are met:

- The evidence gathered is insufficient to show that discriminatory or harassing behavior took place;
- The conduct described is not civil rights related;
- The concern does not fall within CEEO's jurisdiction.

In addition to the above grounds for mandatory dismissals, CEEEO will dismiss claims of Title IX Sexual Harassment, if at any point, one or more of the following circumstances are met:

- The conduct did not occur within the United States;
- The conduct did not occur within UNM's Education Programs or Activities, including locations, event, utilizing UNM networks or technology, or circumstances over which UNM exercised substantial control over both the Respondent and the context in which the alleged conduct occurred; or
- The Complainant was not participating in, or attempting to participate in, UNM's Education Program or Activity at the time of the complaint.

If CEEEO issues a Mandatory Dismissal for a Title IX allegation, it may still proceed with a formal action as outlined in University Policy 2740.

ii. *Discretionary Dismissals*

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 CEEEO 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 CEEEO dismissal pursuant to [Section XI](#) herein.

Even when it issues a Dismissal Letter, CEEEO 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.

c. Complainant Meeting

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

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

d. Respondent Meeting

If a formal investigation is elected, CEEO schedules a meeting with Respondent. Prior to meeting with Respondent, CEEO will provide Respondent with written notice and information that constitutes the complaint, including the protected status, the type of discrimination, and a summary of allegations raised by 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. 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.

e. 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.

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

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

CEEO 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 CEEO investigations and provide information when CEEO requests it pursuant to its role as investigator.

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

g. *Post-Investigation Steps*

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

h. *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 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.

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.

CEEEO will simultaneously notify both parties of a close-of-evidence date, from which time no additional evidence is collected. The parties must submit all information and evidence they would like CEEEO to consider as part of the investigation by the close-of-evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence they wish to offer or refer that existed prior to the close-of-evidence date except to respond to information contained in the Initial Investigative Report. Parties must provide all evidence they wish to offer or refer to at the Administrative Hearing as part of the investigation process prior to the close-of-evidence date. In the event of extraordinary circumstances that prevent the party from providing such all evidence during the investigation, CEEEO or the Office of Administrative Hearings may consider providing additional time.

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.

i. *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.

VIII. OTHER MATTERS RELEVANT TO THE FORMAL GRIEVANCE PROCESS

A. General Statement of Investigation Timelines

CEEO attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of accepting a formal investigation; 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.

B. Party Responsibilities

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

At all stages of a CEEO 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 and employees who participate in a CEEO investigation and any subsequent hearing should keep information confidential during the investigation and hearing in order to maintain the integrity of the process.

C. Party Participation

Participation in any CEEO process is voluntary, outside of employee reporting requirements. However, **Complainants and Respondents should consider that non-participation in a CEEO process could have an**

impact on the ultimate outcome of the complaint. If a party decides not to participate at any point in the process – from initial complaint through a hearing and final determination – this can impact the University’s ability to effectively respond to alleged civil rights violations, as well as the decision maker’s ability to fairly assess evidence and party credibility.

D. 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:

1. *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.
2. *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. 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.
3. *Disparate Impact Claims.* CEEO may accept a disparate impact discrimination claim, but alter the grievance process. CEEO may elect to name a department, division, unit, or office as Respondent and review the disparate impact claim. In these situations, CEEO may not name a specific Respondent, and may issue only a Final Report and recommendations for remediation.
4. *Failure to Report.* See [Section V\(C\)\(1\)](#).

E. 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 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.

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

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.

F. Conflict of Interest and Bias

1. Alleged CEEO Conflict

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 does 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 a CEEO investigation, they may appeal any CEEO or Hearing Officer determination on that basis. See [Section XI](#).

2. Other Conflicts in a CEEO Process

Where a Hearing Officer, Advisor, the President, sanctioning body, or other decision maker in the CEEO process is alleged to have a conflict of interest that would prevent fair, impartial, consistent, or objective application of policies and procedures related to the CEEO process, CEEO will assess whether an actual conflict or bias exists. In the event an actual conflict or bias is found, CEEO will work with the appropriate UNM officials to substitute such decision maker with one who does not have an actual conflict or bias.

IX. SANCTIONS AND REMEDIES

CEEO does not have sanctioning or disciplinary authority. If the Hearing Officer's final determination is that a policy violation 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 CEEO 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 Coordinator, Greek Life, and Athletics. CEEO will determine what information and what officials must be advised of the Hearing Officer's findings to remedy the effects of discriminatory conduct and to prevent its recurrence.

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

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

If the Respondent is determined to have violated Title IX, 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 CGP. 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.

X. DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS; HIRING CHALLENGES

A. 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 investigated simultaneously. This is to ensure a timely investigation and preserve resources for all involved. In addition, this allows for the hearing following an investigation to address both parties' claims at one time, preventing the need for an additional hearing.

B. Departmental Investigation

Unlike the consolidated complaint process outlined in [Section X\(A\)](#), 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.

Departmental investigations are **NOT** available for investigations of Title IX violations.

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

C. Hearings with Multiple Complaints against One Respondent

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

D. Hiring Challenges

If an applicant to a University employment position or a current University employee alleges they were not interviewed, hired, or promoted as a result of discrimination due to a protected status, CEEO will accept the complaint as a hiring challenge. If the applicant or employee identifies a specific Respondent(s), CEEO will follow the grievance procedure set forth in this CGP.

If the applicant or employee does not name a specific Respondent(s), CEEO will review documentation from the specific Human Resource or Faculty Contract area and ask that Human Resources, the Office of Academic Personnel, and/or the hiring official provide a response regarding the hiring challenge. Relevant documentation may include, but is not limited to: position posting, recruitment efforts, ranking documents, resumes, applicant pool information, interview notes, interview committee composition, and hiring justification.

If the response and applicable documents do not appear to constitute a violation of UNM policy, CEEO will dismiss the challenge and notify the parties. Parties may appeal the dismissal, pursuant to [Section XI](#).

If there is evidence that UNM process and policy were not followed during the hiring or promotion process, CEEO will continue its investigation and grievance procedure set forth in this CGP.

XI. APPEALS

Parties may appeal a CEEO dismissal, the Hearing Officer's determination, and accompanying sanction for policy violations as follows:

A. Appeals to the President or 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. If a party requires different means to file an appeal, they should contact the Office of the President via email for guidance: president@unm.edu.

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

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

The appeal must clearly state which 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 EVP.

If an individual appeals a Final Determination, the following individuals or offices will be notified:

1. The non-appealing party and their advisor(s)
2. CEEEO
3. Office of Administrative Hearings
4. The sanctioning body (if a sanction was issued as part of the Final Determination)

Both parties will be given five (5) business days to submit a written statement in support of, or challenging the outcome brought forward on appeal to the President's Office for consideration. If an appeal alleges that CEEEO or the Hearing Officer has 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 within **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 CEEEO for additional proceedings or investigation. Written notice of the President's decision will be provided to the parties, the Hearing Officer, CEEEO, and the sanctioning body (if applicable).

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 the Final Determination to appropriate disciplinary bodies or administratively closing the matter.

B. Appeals to the Board of Regents

Under [Regents Policy 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 on the [Policy Office website](#).

XII. 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 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.

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

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

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

CEEEO cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in that capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides voluntary, written consent to do so as part of this grievance process.

ADMINISTRATIVE HEARING PROCEDURES ALLEGATIONS OF VIOLATIONS OF CIVIL RIGHTS POLICIES

ARTICLE 1. INTRODUCTION AND GENERAL PROVISIONS

1.1 Introduction. This document provides a standard operating procedure for the Grievance Hearing Process referenced in Section VI(C)(3)(i) of the Discrimination Grievance Procedure (“DGP”) issued by the Office of Compliance, Ethics, & Equal Opportunity (“CEEEO”) and performed by the UNM Hearing Office for alleged violations of the University’s Discrimination Policies (University Administrative Policies (“UAP”) 2310, 2720, 2740, and/or 3110) and/or applicable/related Student Codes of Conduct. This procedure may be incorporated in another procedure by reference.

For the process governing hearings that do not involve allegations of violations of the University’s Non-Discrimination Policies, see [Procedures for Live Hearing Appeals of Discipline](#).

1.2 General Provisions

1.2.1 Calculation of Time, Extension of Time Limits and Good Cause. 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 upon request from the Parties. Good cause may include the following: that a time limit includes finals week, periods such as vacations, holidays, or intersessions, the absence of one or both Parties, or the absence of Hearing Office staff from the institution. Any time extension shall be communicated in writing to all Parties along with a new written schedule.

1.2.2 Decisionmaker Training. The Hearing Officer shall be required to complete specific training prior to conducting a hearing. Such training will be prescribed by the CEEEO, 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.

1.2.3 Sanctioner Training. In matters alleging sexual harassment in violation of UAP 2740, Sanctioners, including, but not limited to supervisors, chairs, directors, and department equivalents, shall be required to complete training specific to their affiliation or department prior to the sanctioning phase. Such training will be prescribed by CEEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President.

1.2.4 Withdrawing a Complaint. Once the Hearing Office has received the investigative file from CEEO, Complainant must follow the withdrawal process set forth in the DGP. In the event CEEO permits withdrawal of the Formal Complaint, CEEO still has the discretion to carry out another process option and move forward without the Complainant.

1.3 Definitions

ADA Coordinator: The individual designated to coordinate University Compliance with the Americans with Disabilities Act and related laws. *See* UAP 2310 and 3110.

Administrative Hearing Determination: Written decision of the Hearing Officer following a hearing.

Administrative Hearing Notice: The document provided to all Parties and their Advisors indicating the date and time of the hearing together with information as required by Article 3.4 herein.

Advisor: A person selected by the Complainant or Respondent to perform cross-examination at the hearing. An Advisor also may assist Complainant/Respondent as permitted by Articles 2.1, 2.2, and 2.3 below. There are three types of Advisors:

- 1) Private Advisor: any individual Complainant and Respondent personally select to serve as their Advisor;
- 2) UNM Advisor: Upon the request of Complainant or Respondent, an individual designated by UNM to serve as their Advisor; and
- 3) Attorney Advisor: an attorney engaged by Complainant or Respondent to serve as the Party's Advisor

CEEEO ("The UNM Office of Compliance, Ethics & Equal Opportunity"): CEEEO investigates claims of discrimination based on a protected status, sexual harassment, and sexual misconduct. It provides oversight of the University's compliance with federal and state equal opportunity and affirmative action statutes and regulations, including Title VII, Title IX, the Clery Act, and the Americans with Disabilities Act ("ADA"). *See* [Compliance, Ethics & Equal Opportunity](#) for more information regarding CEEEO.

Complainant: The person or persons filing a Formal Complaint pursuant to UAP 2720, 2740, and/or 3110 in accordance with the DGP.

Cross-Examination: Questions asked of an opposing Party's Witness at the hearing directly, orally, and in real time by the Party's Advisor to challenge or flesh out statements already given by the Witness.

Departmental Investigation: An investigation in which there are multiple complaints asserted by multiple individuals against one Respondent that do not arise from the same factual circumstances.

Direct Examination: Questions a Party asks of their own Witness during the hearing to clarify or extend statements made prior to the hearing.

Discrimination Grievance Procedure (“DGP”): The procedures followed by the CEEO when processing complaints alleging violations of certain UNM policies. See [CEEO Discrimination Grievance Procedure](#).

Formal Complaint: A complaint of discrimination and/or sexual harassment that triggers the formal grievance procedure set forth in the DGP. See the DGP for more information regarding Formal Complaints.

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.

Hearing Officer: The individual responsible for evaluating the evidence presented by the Parties at a hearing and issuing a subsequent determination as to whether a Respondent violated a UNM civil rights policy.

Investigative Report: The final report issued at the conclusion of a formal investigation conducted by CEEO, which includes: Complainant’s statement(s), Respondent’s statement(s), witness statements, and relevant evidence. This report serves as the threshold record to be used in an evidentiary hearing.

Impact Statement: A written statement by the Complainant or Respondent, presented to the Hearing Officer at the close of the hearing for review by the Sanctioner to help the Sanctioner determine the appropriate sanction, if any. In their statements, the Complainant and Respondent may address their experience and the incident in question, as well as respond to how the investigation and hearing was conducted and any areas of agreement or/disagreement with the investigation or hearing. The Impact Statement may not seek to introduce new evidence.

New Evidence: New, previously undiscoverable or undisclosed evidence not available to CEEO, or not in existence at the time of the CEEO investigation, presented to the Hearing Officer for consideration. With respect to an appeal of an Administrative Hearing Determination, the definition of new evidence in the CEEO Discrimination Grievance Procedures is applicable.

Party/Parties: The Complainant and Respondent are each referred to as a Party to the hearing. Collectively, the Complainant and Respondent are referred to as the Parties.

Pre-Hearing Conference: The meeting set by the Hearing Officer to confer with the Parties and their respective Advisors, prior to the hearing.

Preponderance of the Evidence: The burden of proof standard that means when satisfied, that based on the evidence determined to be relevant and considered by the Hearing Officer, it is more likely than not that a policy violation occurred.

Remedies: As provided by federal law in cases of sex discrimination, remedies are designed to maintain the Complainant's equal access to the programs and services the University provides, including education, work opportunities, and other activities. This may include the same individualized services described as supportive measures in the DGP. Remedies are confidential and only are offered to Complainant when Respondent is found to have violated UNM policy based on a Preponderance of the Evidence considered at the hearing. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Respondent: The individual who is alleged to have engaged in discriminatory conduct in violation of UAP 2310, 2720, 2740, or 3110; or is alleged to have violated any other UNM policy based on the same facts and circumstances.

Sanctioner: The individual or entity with sanctioning authority who is responsible for deciding the appropriate sanction when there is a determination that University policy has been violated. Sanctioning authority is determined by the policy alleged to have been violated and/or the University entity that has sanctioning authority over the Respondent. Sanctioning authorities may include one or more of the following:

For Staff: The staff member's supervisor, chair, dean, director, or department equivalent. In cases of sex discrimination, consultation with the Title IX Coordinator or designee is also required.

For Students: The UNM Dean of Students. In cases of sex discrimination, consultation with the Title IX Coordinator or designee is also required.

For Faculty: University personnel identified pursuant to the UNM Faculty Handbook or applicable collective bargaining agreement. In cases of sex discrimination, consultation with the Title IX Coordinator or designee is also required.

Support Persons: If determined appropriate pursuant to the accommodation set forth in Section 3.1.1, individuals designated by a Party may attend the Pre-Hearing Conference and hearing to provide emotional or physical support to a Party. A support person cannot be a potential Witness in the hearing, an Advisor, nor can they be someone in a Party's supervisory chain if the Party is a university employee.

Witness: Any person who may have knowledge of the evidence in an investigation or complaint, including but not limited to the Complainant and Respondent.

ARTICLE 2: ROLES AND RESPONSIBILITIES

2.1 Advisors, Generally. The role of any Advisor is to conduct cross-examination of the other Party and other Party's Witnesses. Cross-examination may include questions that challenge the credibility of the Witness.

An Advisor may appear and conduct cross-examination even when the Party whom they are advising does not attend the hearing. An Advisor may be excused from a hearing if the Party does not attend the hearing and the Party did not consult with the Advisor regarding cross-examination questions.

Advisors shall not answer any question directed at the Parties or their Witnesses.

An Advisor may also assist a Party throughout the entire grievance process and assist a Party in preparing for and participating in the pre-hearing process as agreed upon by the Advisor and the Party.

2.2 Advisors, Limitations. Hearings are not legal proceedings. Advisors shall not treat the pre-hearing or hearing process as a legal proceeding regardless of whether the Advisor is also a licensed attorney. Advisors may not negotiate a settlement or stipulation on behalf of an advisee, confer with another Party's Advisor, object during hearings, offer motions, engage in discovery such as contacting or deposing witnesses, request additional documentary evidence from the other Party, present opening or closing statements, provide witness testimony or otherwise engage in conduct that is beyond the Advisor's role as set forth in the preceding Article.

2.2.1 UNM Advisors: Advisors who are assigned to a Party by UNM shall not provide legal advice to Parties on any matter. UNM Advisors are not involved in the appeal process other than to assist the Party in locating the forms to submit an appeal.

2.2.2 Private Advisors/Attorney Advisors: Private Advisors and Advisors who are attorneys retained by a Party must follow the rules applicable to all Advisors. Parties seeking an Attorney Advisor must do so at their own expense. Nothing in this Article shall prohibit Attorney Advisors from providing other legal services to a Party.

2.3 Advisors, Removal/Recusal/Replacement. Advisors are required to conduct themselves in accordance with the rules of decorum included in this Procedure. The Hearing Officer reserves the right to deny an Advisor the opportunity to ask specific questions if such questions are deemed irrelevant or otherwise in violation of the limitations on evidence as provided in this Procedure. The Hearing Officer reserves sole discretion in determining whether to remove an

Advisor from any part of any proceeding in which the Advisor violates the rules of decorum or refuses to cooperate with a Hearing Officer directive.

Non-UNM Advisors: Advisors may recuse themselves from participating at any time after notifying the Hearing Office. The Party advised by the recused Advisor may select another Advisor or request a UNM-assigned Advisor.

UNM Advisors: UNM assigned Advisors may make a good cause request to recuse themselves from working with a Party. The Party may select another Advisor or another UNM Advisor may be assigned.

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 and delay the hearing until such time as the new Advisor is prepared to assist the Party.

2.4 Hearing Officer, Generally. The Hearing Officer's role is to conduct the hearing and ensure all participants adhere to the *Rules of Decorum*. The Hearing Officer may ask questions deemed relevant by the Hearing Officer. The Hearing Officer also determines the relevance of each question posed by an Advisor or Party during a hearing. The Hearing Officer reviews the evidence and determines whether or not the Respondent violated a UNM policy and reduces that determination to writing for both Parties, and the Sanctioner when a policy violation has occurred.

2.5 Parties, Generally. The Party's role is to designate an Advisor, submit to the Hearing Coordinator information not previously considered by the investigator prior to the Pre- Hearing Conference, prepare direct and/or cross-examination questions to ask of the other Party or Witnesses at the hearing, adhere to the proceeding timeline, ask questions of their Witness/es (other than cross-examination of the other Party), communicate with their Advisor, and otherwise fully participate in the process. A Party may testify on their own behalf and/or be called as a Witness by the other Party.

Parties are responsible for communicating with the Hearing Coordinator to designate, or confirm designation, of their Advisor. Parties are responsible for responding to communications from the Hearing Coordinator regarding the Pre-Hearing Conference and the hearing. It is the responsibility of the Parties to notify the Hearing Coordinator of any change in the contact information for the Party (e.g., address, email address, or phone number) or change in the Party's affiliation with the University. Failure to do so could result in a Party missing the opportunity for a hearing.

ARTICLE 3. PRE-HEARING MATTERS

3.1 Pre-Hearing Conference. After receipt of the information specified in Article 3.2, the Hearing Officer will meet with the Parties and/or their Advisors to consider clarifying or narrowing the issues to be heard by the Hearing Officer, to provide an overview of the hearing process, to answer procedural questions, to consider limiting the number of witnesses, or to consider any other matters which may aid the conduct of the hearing. The Hearing Officer will also consider the submission of previously undiscovered or undisclosed evidence submitted by the Parties, as described in Article 3.2. The Hearing Officer shall have sole discretion to determine whether to hold a single Pre-Hearing Conference for all Parties and/or their Advisors or separate Pre-Hearing Conferences for each Party and/or their Advisor.

3.1.1 Accommodations for Disabilities. This Procedure 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, Hearing Officer, or other hearing participant the exact medical reason for the exception or accommodation.

3.2 Pre-Hearing Conference Requirements for Parties. At least two (2) business days before the Pre-Hearing Conference scheduled for each Party, the 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 or Parties and to the Hearing Officer.

a) Witness List

A list of witnesses the Party intends to call at the hearing. Witnesses may include: persons interviewed by the investigator; persons identified in the Investigative Report, but not interviewed by the investigator; or a previously undiscovered Witness who will testify about new evidence. The Parties must inform the Hearing Coordinator in writing if they do not intend to call any witnesses. The Hearing Officer may grant an extension to submit the witness list for good cause in accordance with Article 1.2.1. A Party may request an extension of time to submit a Witness list by contacting the Hearing Coordinator. Witnesses who were not identified two days prior to the Party's Pre-Hearing Conference will not be permitted to testify at the hearing.

The Hearing Officer may place reasonable limitations on the number of witnesses, either before or after the list above is submitted, and will inform the Parties of such limitation no later than two (2) business days prior to the hearing. The Hearing Officer may exclude Witness testimony that is cumulative or irrelevant to the issues presented. No witnesses other than those on the Party's list may testify without the consent of the Hearing Officer.

b) Name of Designated Advisor or Request for a UNM Advisor

Each party shall provide the Hearing Coordinator with the name of their Advisor and disclose whether the Advisor is an attorney representing the Party, whether or not such attorney is engaged in the practice of law in New Mexico, or request a UNM Advisor.

c) Electronic copies of any New Evidence

Any Party requesting that the Hearing Officer consider new evidence at the Pre-Hearing Conference must submit electronic copies of that evidence to the Hearing Coordinator. In the case of new testimonial evidence, a written summary of the same must be submitted electronically to the Hearing Coordinator.

3.3. Preparation of Evidence. All relevant evidence and Witness names should have been submitted by the Parties or gathered by the investigator 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 provided to the Parties during the investigation. All members of the University community are encouraged to cooperate with the Parties' reasonable requests to provide evidence and to appear at the hearing as witnesses.

3.3.1 Provision for New Evidence. The Parties may present new evidence for consideration at the hearing at least two (2) business days prior to the Pre-Hearing Conference, as described in Article 3.2.

The Hearing Officer has sole discretion to determine whether the new evidence will be accepted as evidence. The Hearing Officer shall consider the relevance of the evidence, whether the Party could have obtained it earlier, the time remaining until the hearing, and the degree of prejudice to the other Party when determining whether the new evidence will be accepted as evidence.

3.4 Administrative Hearing Notice. In accordance with Section VI(C)(3)(h) of the DGP, upon completion of the Investigative Report, CEEO will submit this report, the investigative file, and other relevant documentation in its entirety to the Hearing Coordinator. Upon receipt of the file, the Hearing Coordinator will schedule the date of the Pre-Hearing Conference and the Hearing. The Hearing Coordinator will send the Parties a Notice of Administrative Hearing no less than ten (10) business days before the hearing date.

The Administrative Hearing Notice will include the following:

- a) A description of the alleged violation(s), a list of all policies allegedly violated, a copy or link to these Administrative Hearing Procedures, and the potential sanctions/responsive actions that could result if the Respondent is determined to have violated a policy;
- b) That a preponderance of the evidence standard will be applied by the Hearing Officer;

- c) The time and date of the hearing and whether the hearing will be in person or conducted via a virtual platform;
- d) Any technology that will be used to facilitate the hearing;
- e) A list of all those identified by the Parties who will attend the hearing, if known;
- f) Information regarding how the hearing will be recorded and how the Parties may access the recording after the hearing;
- g) A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence. No inference will be drawn from the absence of a Party or Witness;
- h) 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;
- i) Notification that if a Party does not secure an Advisor of their choice, the University will designate one free of charge;
- j) A copy of the Investigative Report created by CEE0;
- k) A copy of any report issued by another department, including but not limited to Human Resources, which addresses potential violations of policies other than UAP 2720, 2740, or 3110 by an employee Respondent whose alleged conduct arises out of the same facts and circumstances as set forth in the Investigative Report;
- l) 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; and
- m) A statement that individuals not designated by the Hearing Officer or these procedures are prohibited from recording the hearing.

ARTICLE 4. HEARINGS

4.1 Closed Hearings. All hearings shall be closed to the public, persons who are not participants, and the media. Unless designated by the Hearing Officer, hearings may not be recorded by any person or means.

4.2 Unsanctioned Recordings. Any participant found to be recording the hearing, will be immediately removed from the hearing and prohibited from further participation. If it is later discovered that a participant recorded all or part of the hearing, the employee, student, or visitor alleged to have violated these procedures may be subject to disciplinary action under the UNM policies applicable to each participant.

4.3 Consolidation. There is a presumption that separate matters with the same Parties and/or Witnesses shall be adjudicated as separate matters. The Hearing Officer may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same facts or circumstances.

4.4 Delays

4.4.1 Requests to Alter or Continue Schedule. Once a pre-hearing and hearing date has been set, any request to alter or continue the schedule shall be submitted in writing within three (3) business days of notice of the scheduled date.

4.4.2 Determination of Good Cause. Upon receipt of a timely request, the Hearing Officer shall issue a determination within two (2) business days as to whether good cause exists to grant the request.

4.4.3 Subsequent Requests. Any subsequent requests for delay beyond the period set forth in subsection (A) shall not be entertained absent extraordinary circumstances. Such requests must be accompanied by documentary evidence sufficient to establish necessity.

4.4.4 Factors for Consideration. In exercising discretion to grant or deny a request for delay, the Hearing Officer shall consider:

- a) The reason for the absence or conflict;
- b) The length of the proposed delay;
- c) The time remaining until the scheduled hearing date; and
- d) The prejudice, if any, to the other Party.

4.4.5 Rationale Requirement. The Hearing Officer shall include the rationale for granting or denying any request for delay in the Administrative Hearing Determination.

4.5 Advisor Designation. Each Party must have an Advisor for the purpose of conducting cross-examination of the other Party and the other Party's witnesses. A Party may designate a person to serve as their Advisor or may request a University Advisor at no cost by contacting the Hearing Coordinator. An Advisor shall not be a Witness in a proceeding.

A Party must identify their Advisor at least two (2) 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 may not proceed until either the Party designates an Advisor or the University designates an Advisor for that Party. A Party cannot decline the UNM Advisor without first selecting an Advisor of the Party's choice.

4.6 Opening/Closing Statements. Only Parties shall be allowed to make opening or closing statements, and such statements shall be permitted at the discretion of the Hearing Officer. If the Hearing Officer allows one Party this option, each Party will have the same option. Neither opening nor closing statements are considered evidence relied upon by the Hearing Officer.

4.7 Evidence. The Parties may testify, present testimony of other witnesses, and/or explain documents and other evidence at the hearing. The Hearing Officer may exclude cumulative, unfair, confidential or irrelevant evidence (*see* Article 4.9), but is not required to follow the rules of evidence applicable to a court proceeding.

The Hearing Officer may rely on any relevant statement of a Party or Witness in reaching a determination of whether a policy was violated regardless of whether a Party or Witness attended the hearing or was subjected to cross-examination at the hearing.

4.8 Determination of a Question as Relevant. Before a Party or Witness responds to a question on direct or cross-examination, the Hearing Officer must first determine if the question is relevant. The Hearing Officer must explain any decision to exclude a question on the basis that it is irrelevant.

4.9 Irrelevant/Inadmissible Evidence. The Hearing Officer shall exclude any evidence that is deemed irrelevant or otherwise inadmissible, including but not limited to the following:

- a) Complainant's prior sexual history, unless offered to prove Complainant's consent with respect to Respondent, or to prove that someone other than Respondent committed the alleged conduct;
- b) Information protected by a legally recognized privilege (i.e., attorney-client privilege);
- c) Duplicative or cumulative evidence;
- d) A Party's Family Educational Rights and Privacy Act (FERPA)-protected education records unless the Party gives written consent;
- e) A Party's Health Insurance Portability Act (HIPAA)-protected treatment records unless the Party gives written consent; and/or
- f) Information that is not related to the matter which is the subject of the hearing.

The Hearing Officer does not have the authority to overrule or supersede the confidentiality protections provided by law or under a legally-recognized privilege.

4.10 Order of Evidence. Pursuant to Article 4.7, the Hearing Officer may determine the order of evidence to be presented at the hearing. Each Party, however, will have opportunity to do the following:

- a) Testify on their own behalf and to have Witnesses testify on a Party's behalf;

- b) Via their Advisor, conduct cross-examination of the other Party and other Party's Witnesses;
- c) Provide follow-up testimony and conduct follow-up direct examination of their Witnesses once cross-examination is complete.

The Hearing Officer may also ask questions of the Parties and their Witnesses any time during the hearing.

4.11 Witnesses. The Hearing Coordinator is responsible for scheduling witnesses for the hearing; however, the Parties are responsible for ensuring that their witnesses appear to testify at a hearing. The Parties shall have the right, within reasonable limits set by the Hearing Officer, to question their own Witnesses. The Hearing Officer will require all witnesses to affirm the truth of the testimony they present. Witnesses are allowed in the hearing room only during their own testimony. Witnesses on a Witness list submitted by a Party and approved by the Hearing Officer shall be allowed to testify even if a Party does not appear at the hearing.

Providing testimony is voluntary and Witnesses cannot be compelled to testify. Witnesses shall notify the Hearing Coordinator during the scheduling process if they choose not to participate. A Witness may refuse to answer all or part of any question posed. The Hearing Officer cannot draw an inference about the Respondent's violation of a policy based solely on the absence of any Party or Witnesses from the live hearing or their refusal to submit to direct examination or cross-examination.

A Party may eliminate a Witness from their list by notifying the Hearing Coordinator in writing. The Hearing Coordinator will notify the other Party or Parties and the Hearing Officer upon receiving such notice.

A Party may provide testimony on their own behalf or be called as a Witness by the opposing Party. When a Party testifies on his or her own behalf, the Hearing Officer may ask the Party questions. No Party may question another Party either on direct or cross-examination. In the event one Party calls the other Party as a Witness, the Advisor of the Party calling the Witness shall ask the questions such that the two Parties are never questioning each other

Reasonable limits on one's right to question Witnesses may be imposed by the Hearing Officer and may include any modifications the Hearing Officer deems appropriate under the

circumstances or the result of any accommodation approved by ARC or the ADA Coordinator. Requests for modifications to the method a Party's or Witness' testimony is elicited or presented must be included with the Witness list submitted by the Party seeking the modification.

4.12 Rules of Decorum. 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 during the hearing:

- a) Questions must be conveyed in a neutral tone.
- b) Parties, Advisors, and Witnesses will refer to all hearing participants using their preferred pronoun and title of courtesy.
- c) No participant in a hearing may act abusively or disrespectfully during the hearing toward any other Party, Witness, Advisor, the Hearing Officer, or any other individual participating in the hearing.
- d) Advisors may not yell, scream, or badger when questioning a Witness.
- e) Participants may not use profanity unless the language is a direct quote from some source such as the Investigative Report or Witness. Advisors may not make personal attacks that harass or intimidate 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.
- f) Participants may take no action prior to or at the hearing that a reasonable person would see as intended to intimidate or coerce a Party, Witness, Hearing Officer, or any other participant to testify, refuse to testify, or decide the matter in a particular way.

4.13 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 before or during the hearing. The Hearing Office may immediately remove any person whose violation of Rules is so egregious as to warrant such removal.

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to either remove the offending person or allow them to continue participating in the hearing or other part of the process. Warnings to, decisions to, and/or reasons for the removal of a Party, Advisor, or Witness shall be included in the Administrative Hearing Determination. If 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. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated when an Advisor is removed. A Party cannot serve as their own Advisor in this circumstance. The Hearing Officer shall make no inference with regard to the removal of an Advisor.

4.14 Closing the Hearing. No new evidence may be submitted for the Hearing Officer's consideration after the hearing concludes. The hearing is deemed fully and finally closed for purposes of appeal pursuant to Article 6 herein upon the issuance of the Administrative Hearing 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.

ARTICLE 5. POST HEARING PROCEDURE

5.1 Record of Hearing. The Hearing Coordinator shall make a digital audio recording of the proceedings. The Parties may request a copy of the recording from the Hearing Coordinator after the hearing has been finally closed. Best efforts shall be made to provide the Party with a digital copy of the recording within two (2) days of a request.

The record of the hearing shall consist of the digital recording and an electronic copy of all documents introduced as evidence, including evidence deemed inadmissible by the Hearing Officer. The record shall be kept by the University for ten (10) years after all appeals have been concluded.

5.2 Written Argument/Impact Statements. After hearing the evidence, the Parties have the option of submitting to the Hearing Officer (a) written arguments of no more than five (5) pages; and/or (b) an Impact Statement of no more than five (5) pages, unless the Hearing Officer allows an extension of these page limits. Parties must submit their arguments or Impact Statements to the Hearing Coordinator no later than two (2) business days following the final closing of the hearing. The Hearing Officer has discretion to allow additional time for written arguments and/or Impact Statements to be submitted upon good cause shown by either Party as described in Article 1.2.1.

5.3 Administrative Hearing Determination. In making a determination, the Hearing Officer considers all available evidence in the investigative file, contained in the Investigative Report, and any testimony presented at the hearing. The Administrative Hearing Determination shall include the following information as appropriate to the circumstances:

- a) The policies implicated;
- b) A brief statement indicating whether or not a policy violation was found;
- c) A brief procedural history;
- d) In the event an advisor was excused from the hearing, the reasons for excusal;
- e) If a Party did not attend or refused to fully participate, a statement indicating that the Hearing Officer made no inference as to the Party's absence or refusal to answer questions;
- f) If the hearing was delayed, the reason for the delay and rationale for rescheduling it;

- g) A statement of the procedures applied to the hearing, including the burden of proof standard;
- h) Whether there were any disruptions to the hearing resulting in the issuance of warnings by the Hearing Officer and, if a participant was removed from the hearing, the reasons for such removal and any resulting delays from such disruptions;
- i) A list of witnesses who testified at the hearing;
- j) An analysis of each alleged policy violation and the evidence relied upon by the Hearing Officer, including the weight given to a particular statement or piece of evidence, in determining whether the Respondent violated such policy;
- k) A brief review of evidence excluded by the Hearing Officer, including written statements and testimony offered by a Party or Witness, and the rationale for doing so;
- l) Sanctions, if any, determined by the sanctioning authority. The sanctioning of faculty Respondents for UAP 2720 and 3110 violations, however, will not be included in the Administrative Hearing Determination, but will be issued separately by the faculty Sanctioner pursuant to the UNM Faculty Handbook, or CBA, as appropriate. Determinations wherein a violation of UAP 2740 was found will include the sanction in the Administrative Hearing Determination; and
- m) A statement indicating how and when an appeal may be taken.

5.4 Sanctions. If the Hearing Officer determines there was a policy violation by either Party, the Hearing Officer shall inform the appropriate sanctioning authority of the findings and provide materials requested by the sanctioning authority to determine the appropriate sanction, if any. The sanctioning authority will inform the Hearing Officer as to the sanctions to be imposed and the Hearing Officer will include those sanctions in the Administrative Hearing Determination. The sanctioning of faculty Respondents for UAP 2720 and 3110 violations, however, will not be included in the Administrative Hearing Determination, but will be issued separately by the faculty Sanctioner pursuant to the UNM Faculty Handbook, or CBA, as appropriate. Determinations wherein a violation of UAP 2740 was found will include the sanction in the Administrative Hearing Determination. The Sanctioner may attend the hearing or review the hearing record for the purpose of issuing the proposed discipline.

5.5 Remedies. Upon a finding that the Respondent is responsible for a policy violation, the CEEO or the Title IX Coordinator may provide remedies to Complainant in adjudications involving UAP 2740.

ARTICLE 6. APPEALS

6.1 Appeal. No appeal of the Hearing Officer's decision may be taken until the Administrative Hearing Determination is issued to the Parties above. The timing and process for any appeal will be pursuant to the instructions in the Administrative Hearing Determination and the policy, procedure, or order authorizing the appeal.



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