



# The University of New Mexico Health Sciences Rio Rancho Campus **2024 Annual Security Report**

Crime Statistics for Calendar Years 2023, 2022 & 2021 and  
Policy Statements for the 2024-2025 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 2745: Clery Act Compliance*

October 1, 2024  
Revised May 12, 2025

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Health Sciences Rio Rancho Campus  
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# 1 | INTRODUCTION

## 1.1 THE JEANNE CLERY ACT

In 1990, Congress passed the Crime Awareness and Campus Security Act (CACSA) amendments to the Higher Education Act of 1965 (HEA). Amendments to CACSA in 1998 renamed the law the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(the Clery Act\)](#) in memory of a student who was murdered in her dorm room. In 2013, Congress passed the Violence Against Women Reauthorization Act (VAWA), which included additional amendments to the Clery Act. [University Administrative Policy \(UAP\) 2745: Clery Act Compliance](#) dictates UNM's compliance functions related to Clery.

## 1.2 ABOUT THE ASR

In the spirit of the Clery Act's consumer protection intent, the Annual Security Report (ASR) the Clery Act requires is intended to help current and prospective students and employees of the University make informed decisions about whether to work, live, or study at our institution. It does so by providing information on the policies and procedures we have in place to help keep our students, staff, faculty, guests, and campus safe and by painting a straightforward picture of what crime and life are like at UNM. In addition to disclosing policy

statements in place for the current academic year, the ASFSR contains crime and fire statistics for the previous three calendar years.

## 1.3 HOW UNM PREPARES THE ASR

The Clery Coordinator within the UNM [Office of Compliance, Ethics & Equal Opportunity \(CEEEO\)](#) stays up to date on new initiatives and compliance information pertaining to the ASR and prepares Reports each year for UNM's Health Sciences Rio Rancho Campus. Various departments support the development of the ASFSR by providing content the law requires, such as policy statements, crime reports, and fire reports. They include but are not limited to the UNM Police Department, the Dean of Students Office, Human Resources, the UNM Health Sciences Center, and UNM Hospital, in addition to individuals such as the Title IX Coordinator and employees designated as Campus Security Authorities (CSAs) pursuant to UAP 2745.

## 1.4 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)**

609 Buena Vista Rd NE (Bldg 42)  
Albuquerque, NM 87131  
505-277-5251

[ceeo@unm.edu](mailto:ceeo@unm.edu) | [ceeo.unm.edu](http://ceeo.unm.edu)

**Clery Coordinator**

Adrienne Helms: [ahelms6@unm.edu](mailto:ahelms6@unm.edu)



## 2 | CAMPUS SECURITY SERVICES

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

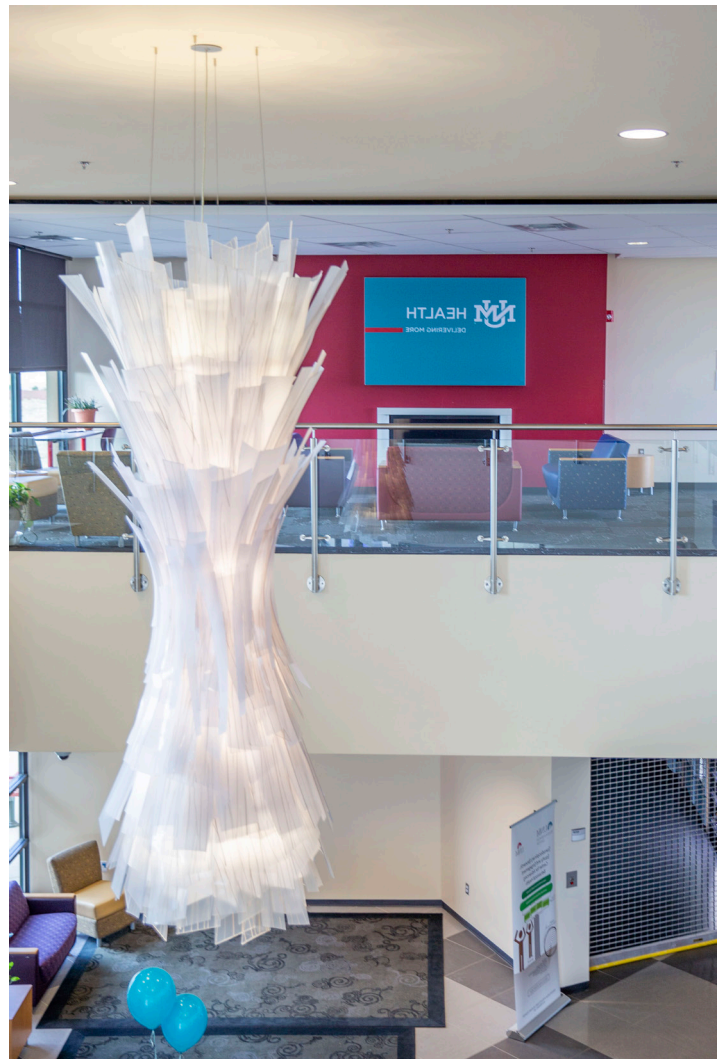
### 2.1 AUTHORITY & JURISDICTION

UNM's SRMC Security Security Officers are nonsworn and do not have the authority to arrest or conduct other police activities UNMPD Police Officers are certified to carry out.

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

### 2.2 WORKING RELATIONSHIP OF CAMPUS SECURITY PERSONNEL WITH STATE AND LOCAL POLICE

SRMC Security Officers rely on RRPD's sworn staff to collaborate with external state and local police agencies with arrest authority and jurisdiction. There is no official agreement in place that addresses the working relationship of SRMC Security and local police.



## 3 | REPORTING EMERGENCIES & CRIMINAL ACTIVITY

### 3.1 IN AN EMERGENCY

Anyone experiencing or witnessing an emergency on the Helath Sciences Rio Rancho Campus should dial 9-1-1 for the Rio Rancho Police Department.

Students and employees on the Rio Rancho Campus are encouraged to keep the direct line to the Sandoval Regional Medical Center (SRMC) Security Office on their cell phones: 505-994-7755. Students, employees, and visitors on-site may also notify Campus Operations staff about an emergency or criminal situation. Staff have direct contact with SRMC Security over radio communications.

#### BLUE LIGHT & OTHER EMERGENCY PHONE DEVICES

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 SRMC 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 SRMC 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.

#### RIO RANCHO POLICE DEPARTMENT

Individuals who encounter an emergency situation should take immediate steps to protect themselves, notify nearby endangered people, and contact the [Rio Rancho Police Department \(RRPD\)](#). RRPD Officers are available to respond to emergencies 24 hours a day, seven days a week, 365 days a year.

To reach RRPD in an emergency, dial 9-1-1. 911 calls made from a cell phone go straight to the [Sandoval County Regional Emergency Communications Center \(SCRECC\)](#) and 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 SRMC Security's numbers as contacts in their mobile phones to have them readily available in the event of an emergency. UNMPD's direct phone number is also provided on the back of all LoboCards.

#### **Rio Rancho Police Department (RRPD)**

505-891-7226  
500 Quantum Road  
Rio Rancho, NM 87124

#### **Sandoval Regional Medical Center (SRMC) Security**

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

#### POLICE REPORTS AS PUBLIC INFORMATION

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

# 3 | REPORTING EMERGENCIES & CRIMINAL ACTIVITY, CONT.

## 3.2 REPORTING CRIMINAL ACTIVITY

UNM encourages accurate and prompt reporting of all crimes to the Rio Rancho Police Department and other local, state, and tribal police agencies when the victim of a crime elects to, or is unable to, make such a report.

In addition to, or in lieu of, reporting a crime to the police, all members of the UNM community, to include faculty, staff, students, parents, and visitors, are encouraged to report incidents of crime or other misconduct to specific UNM offices based on the nature of the offense or their relationship to the institution. The following table lists non-law enforcement areas of UNM that are staffed by full-time Campus Security Authorities and considered “preferred receiver of reports” for the purposes of compiling annual crime statistics and issuing timely warnings.

### OFFICIALLY DESIGNATED REPORTING SITES

The following offices have been officially designated by the University as places students and employees can and should report crimes or obtain assistance in reporting to law enforcement.

#### Sandoval Regional Medical Center (SRMC) Security

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

#### HSRR Administration

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

*Dr. Laura L. Burton, Associate Director  
Business Operations, Facilities  
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

#### Dean of Students Office (DOSO)

505-277-3361 | doso@unm.edu  
University Advisement & Enrichment Center (Bldg 85)  
400 Cornell Dr NW, Rm 281  
Albuquerque, NM 87106

#### Human Resources (HR)

505-277-6947 | clientsv@unm.edu  
John and June Perovich Business Center (Bldg 183)  
1700 Lomas Blvd NE  
Albuquerque, NM 87106

#### Global Education Office (GEO)

505-277-4032  
Mesa Vista Hall (Bldg 56)  
301 Cornell Dr NW, Rm 2120  
Albuquerque, NM 87106

### 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.





## 3 | REPORTING EMERGENCIES & CRIMINAL ACTIVITY, CONT.

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 SRMC Security
2. Individuals responsible for security functions on campus but that are not members of UNMPD or Security. This includes parking attendants, Student Safety, and employees monitoring access into a UNM events.
3. Individuals and organizations specified in this section as 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.

### 3.3 REPORTING CRIMES ON A VOLUNTARY, CONFIDENTIAL BASIS

#### CONFIDENTIAL REPORTING SITES

UNM recognizes that some individuals may want to speak with someone anonymously about their reporting options and access to support before deciding whether to report the incident. As outlined in Section 3 of [UAP 2740: Sexual Harassment Including Sexual Misconduct](#), the UNM Title IX Coordinator designates UNM's Title IX Coordinator addresses this need by designating certain offices on campus as confidential and exempt from mandatory reporting obligations. However, staff in these centers are designated CSAs and must promptly report the nature, date, and general location of any Clery-related incident to the Clery Coordinator for timely warning and statistical reporting purposes. However, staff members at these sites are not required to provide any identifying information of an individual who utilizes their services.

#### **LoboRESPECT Advocacy Center (LRAC)**

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

✓ *Undergraduate students* ✓ *Graduate students*

#### **Women's Resource Center (WRC)**

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

✓ *Undergraduate students* ✓ *Graduate students*

#### **LGBTQ Resource Center**

919 Las Lomas NE (Bldg 168)  
Albuquerque, NM 87131  
505-277-5428 | [lgbtqrc@unm.edu](mailto:lgbtqrc@unm.edu)

✓ *Undergraduate students* ✓ *Graduate students*

✓ *Employees*

#### **Vassar House (serving North Campus)**

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

✓ *Undergraduate students* ✓ *Graduate students*

### 3 | REPORTING EMERGENCIES & CRIMINAL ACTIVITY, CONT.

#### Learning Environment Office (LEO) *(serving the Health Sciences Center)*

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

✓ **Undergraduate students** ✓ **Graduate students**

#### 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](mailto:ombuds@unm.edu)

✓ **Graduate students** ✓ **Employees**

#### Counseling, Assistance & Referral Services (CARS)

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

✓ **Employees**

#### ONLINE & TELEPHONE OPTIONS

The following list contains information for sites where someone can make a report of a crime or other misconduct anonymously. Once information involving any Clery Act crime is received through these avenues, the Clery Coordinator is made aware and uses the information a reporter provides to determine whether UNM needs to disclose the report in its annual statistics or in a timely warning.

#### UNMPD

- [Anonymous Tip or Incident Form](#)
- Dispatch: 505-277-2241 (Individuals can make anonymous calls to this phone number, to report any type of crime.

#### LoboGuardian App

Any member of the UNM community may also report an anonymous tip to UNMPD through the [LoboGuardian application](#) on their smart phone. To access the application, search and download the Rave Guardian application in the Apple App Store or the Google Play app store. Users can find more assistance for downloading this application through UNM [FastInfo](#).

#### EthicsPoint Online Report Form

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



## 4 | ANNUAL CLERY ACT CRIME STATISTICS

### 4.1 CLERY-ACT REPORTABLE INCIDENTS

Not all reports of crime that are made to the University or local law enforcement are reflected in the annual disclosure of crime statistics. The Clery Coordinator and UNMPD evaluate each report of crime to determine whether it meets three criteria. Only reports that

1. meet the definition of a Clery Act offense,
2. occurred within UNM's Clery Act geography, and
3. were reported to a CSA

get classified as Clery Act crime statistics and are included in the ASFSR.

### 4.2 CLERY ACT OFFENSES

Clery Act offenses are organized into five main categories: "primary" offenses, hate crimes, Violence Against Women Act (VAWA) offenses, arrests and referrals for disciplinary action, 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](#).

- **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.\*
- **Robbery.** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault.** An unlawful attack 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

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.

## 4 | ANNUAL CLERY ACT CRIME STATISTICS, CONT.

- **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.

### VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

The definitions of VAWA offenses come from the [Violence Against Women Act \(VAWA\) of 1994](#).

- **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 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 & 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.



## 4 | ANNUAL CLERY ACT CRIME STATISTICS, CONT.

- **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 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.

### 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.

## 4.3 CLERY ACT GEOGRAPHY

### 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).

### 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.

## 4 | ANNUAL CLERY ACT CRIME STATISTICS, CONT.

### 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 sidewalks, streets, bus stops, and parks along the campus perimeter where physical access from campus is unrestricted (or in cases where students or employees regularly circumvent restrictions in place).

### 5.4 HOW UNM COLLECTS CRIME STATISTICS

#### UNM POLICE & SECURITY REPORTS

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

SRMC Security provides reports it receives directly to the Clery Coordinator on a rolling and annual basis.

### REPORTS FROM EXTERNAL LAW ENFORCEMENT AGENCIES

UNM 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.

### CAMPUS SECURITY AUTHORITY (CSA) REPORTS

UNM's [Campus Security Authorities \(CSAs\)](#) 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 warnings. 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.



## 4 | ANNUAL CLERY ACT CRIME STATISTICS, CONT.

### 5.5 ANNUAL CLERY ACT CRIME STATISTICS: CALENDAR YEAR (CY) 2023

Primary Offenses (CY 2023)	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 (CY 2023)	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 (CY 2023)	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 Calendar Year 2023, there were no Clery Act-reportable crimes driven by bias.

#### Unfounded Crimes

There were no crimes unfounded in Calendar Year 2023.

## 4 | ANNUAL CLERY ACT CRIME STATISTICS, CONT.

### 5.6 ANNUAL CLERY ACT CRIME STATISTICS: CALENDAR YEAR (CY) 2022

Primary Offenses (CY 2022)	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 (CY 2022)	On Campus	Noncampus	Public Property	Total
Domestic Violence	1	0	1	2
Dating Violence	0	0	0	0
Stalking	0	0	0	0

Arrests and Referrals for Disciplinary Referrals (CY 2022)	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 Calendar Year 2022, there were no Clery Act-reportable crimes driven by bias.

#### Unfounded Crimes

There were no crimes unfounded in Calendar Year 2022.



## 4 | ANNUAL CLERY ACT CRIME STATISTICS, CONT.

### 5.7 ANNUAL CLERY ACT CRIME STATISTICS: CALENDAR YEAR (CY) 2021

Primary Offenses (CY 2021)	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	4	0	0	4
Burglary	0	0	0	0
Motor Vehicle Theft	1	0	0	1
Arson	0	0	0	0

Violence Against Women (VAWA) Offenses (CY 2021)	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 (CY 2021)	On Campus	Noncampus	Public Property	Total
Arrests for Weapons Law Violations	0	0	0	0
Arrests for Drug Abuse Violations	0	0	1	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 Calendar Year 2021, there were no Clery Act-reportable crimes driven by bias.

#### Unfounded Crimes

There were no crimes unfounded in Calendar Year 2021.

## 5 | SECURITY OF & ACCESS TO CAMPUS FACILITIES

The Health Sciences Rio Rancho Campus is open to students and guests between 7:45 a.m. and 5:15 p.m., Monday through Thursday, and is closed and alarmed on Fridays, Saturdays, and Sundays. Building hours occasionally vary and are based on the course schedule for the current term. 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 SRMC Security.

SRMC 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 SRMC Security via radio communications.

### 5.1 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.

### 5.2 MONITORING & REPORTING OF CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS

UNM's Health Sciences Rio Rancho Campus does not have any noncampus locations officially recognized student organizations.



## 6 | PROHIBITED WEAPONS

### 6.1 WEAPONS PROHIBITED ON CAMPUS

[University Administrative Policy \(UAP\) 2210: Campus Violence](#) dictates which weapons are prohibited and allowable on campus. For the purpose of this policy, “weapons” include firearms, ammunitions, or other implements that are designed or used to inflict bodily harm or physical threats or damage.

Other than the limited exceptions noted below, carrying weapons on University premises is prohibited. Note that providers of certain services on campus, such as Residence Life and Housing (RLSH) and UNM Hospitals, 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 officers and UNM Hospitals 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 officers and UNM Hospitals 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.

### 6.4 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 & ILLICIT DRUGS

### 7.1 UNM'S POLICY ON ALCOHOL & 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.

As a condition of employment, all employees of the University of New Mexico shall abide by the terms of this policy. Violation of this policy shall result in disciplinary action, up to and including dismissal. For more detailed information, faculty should refer to the [Faculty Handbook](#). 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.

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

Violations of law pertaining to the unlawful possession, use, or distribution of illicit drugs or alcohol are strictly enforced by UNMPD. 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 | ALCOHOL & ILLICIT DRUGS, CONT.

### 7.3 IMPACTS OF ALCOHOL & 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.

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 DRUG PREVENTION EFFORTS AT UNM

UNM's [Campus Office of Substance & Alcohol Prevention \(COSAP\)](#) 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.

In addition to campus-based programming, COSAP is committed to cooperating with and encouraging similar efforts in the surrounding communities and in other institutions of higher education.

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 Amendments of 1989, COSAP also prepares [UNM's Biennial Review of Drug Prevention Efforts](#) which contains:

- Annual distribution to each employee and to each credit-earning student detailed information about the IHE'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 the IHE will impose sanctions on students, faculty, and staff members for alcohol/drug violations committed on campus.
- 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 description of these regulations is contained in [CFR 86.100](#)).

For more information about UNM's prevention efforts, see the [Biennial Review of Drug Prevention Efforts](#).

### 7.5 CAMPUS RESOURCES FOR SUBSTANCE ABUSE PROBLEMS

#### 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 \(COSAP\)](#)

505-277-2795

## 7 | ALCOHOL & ILLICIT DRUGS, CONT.

### CAMPUS RESOURCES FOR EMPLOYEEESS

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

### 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 COSAP's webpage](#).

## 8 | SECURITY, AWARENESS & CRIME PREVENTION PROGRAMS

### 8.1 SECURITY & 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. 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.

#### ***Family Connection***

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

#### ***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.

#### ***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.

#### ***UNM Hospitals Programming***

Each new staff member of UNM Hospitals participates in a general orientation program that includes information related to the Security Program and all staff members of UNM Hospitals participate, at least once each year, in a continuing education program.

#### ***Who to Call***

UNM has numerous systems in place to keep its community members safe, and who to call depends on the type and location of the emergency. The Who to Call initiative kickstarted in 2024 and takes on a One University approach by providing a comprehensive list of the best phone numbers to call for each specific building, whether someone needs help with a medical emergency, crime in progress, fire, patient incident, facility maintenance, lockout, or safety escort. The Who to Call phone list is available year-round on UNM's [Campus Safety](#) page and on the [UNM Police Department](#) homepage.

#### ***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

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

injuries, through this initiative by promoting **ACTing Safely**: [\(CCRT\)](#) efforts.

- Avoid hazards
- Care for others
- Train

More information about this rolling 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 UNMPD station located on the west side of Hokona Hall for more information.

#### ***Campus Safety Week***

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

#### ***Annual Campus Safety Summit***

UNM moderates an Annual Campus Security Summit during [Campus Safety Week](#) each September. 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, [Campus Watch](#), threat assessment, physical security, UNM's [Campus Safety Plan](#), [Coordinated Community Response Team](#).

#### ***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.

#### ***Crime Prevention Tips***

UNM provides 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.

#### ***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.

#### ***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..

#### ***LoboGuardian App***

[LoboGuardian](#) is a mobile app that increases user safety by creating a virtual safety network of friends and family 24 hours a day, seven days a week, 365 days a year. With this app, students and employees can:

- Set a Safety Timer and Status—Designate friends, family, and others as personal "Guardians" and establish Safety Timer Sessions with your Guardians. During the timer session Guardians can check your



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

status and location. If the timer is not deactivated before it expires, your Guardians will be notified, and your phone's last location and status will be displayed.

- Get Help—Make a direct emergency call to UNMPD in Albuquerque that automatically delivers your Smart911 profile to the police response team. You can also call 9-1-1.
- Report a Tip—Send a tip anonymously to UNMPD in Albuquerque.

For more information about [LoboGuardian](#) to include ways to download it to your phone, visit UNM's [LoboGuardian](#) webpage.



## 9 | EMERGENCY RESPONSE & EVACUATION PROCEDURES

UNM Crisis Management and Preparedness (CMP) (formerly the Office of Emergency Management) 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.

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

### 9.1 EMERGENCY DECLARATION & IMMEDIATE RESPONSE

Individuals who encounter an emergency situation should take immediate steps to protect themselves and notify nearby endangered people, call the [Rio Rancho Police Department \(RRPD\)](#) or an emergency blue light emergency phone tower on campus to initiate the University's emergency response and notification system. If UNMPD determines that the situation may become an incident, it will notify the Senior Vice President for Finance and Administration or designee. The Chief of Police and the Senior Vice President for Finance and Administration will immediately decide if an incident will be declared.

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

In accordance with the Jeanne Clery Act, UNM issues emergency notifications (Lobo Alert) for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus upon confirming the potential threat exists. See the section on Campus-wide Notifications for more information.

### 9.2 FIRE ALARMS PROCESSES

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

### 9.3 PUBLICIZING EMERGENCY RESPONSE & EVACUATION PROCEDURES

Drills on the Rio Rancho Campus are unannounced.

### 9.4 DOCUMENTATION

SRMC Environmental Health and Safety is responsible for conducting and retaining records related to drills at the Rio Rancho campus. 10.1 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.

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

If an incident is declared, the Senior Vice President for Finance and Administration will notify the University

## 9 | EMERGENCY RESPONSE & EVACUATION PROCEDURES, CONT.

President and the EOP will be implemented. Depending on the nature of the incident, the Chief of Police or 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.

## 10 | MISSING STUDENT INFORMATION

### 10.1 UNM'S MISSING RESIDENT STUDENT NOTIFICATION POLICY & PROCEDURE

UNM students, employees, or other individuals who have reason to believe that a residential student is missing should immediately report their concerns to the [UNM Police Department](#) within 24 hours of determining that the student is missing. If the Residence Life and Student Housing Office (RLSH), Greek Life Office, or other department receives a report of a missing student, they should immediately notify UNMPD. UNMPD will, as appropriate, engage staff from RLSH and other UNM departments in immediate efforts to locate the student. These efforts may include but are not limited to:

- Contacting the student via their telephone and/or email,
- Checking the student's residence,
- Determining if the student has been in class or used their UNM ID card, and
- Checking with roommates, friends and others who may have relevant information.

If these efforts are unsuccessful in locating the student, UNMPD will inform the [Dean of Students](#) (DOS) that the student is missing and the following will occur.

The Dean, or designee, will notify the student's designated missing person contact within 24 hours of being informed by UNMPD that the student is missing. If the missing student is under the age of 18 and is not emancipated, the Dean of Students, or designee, will notify the student's custodial parent or legal guardian within 24 hours of being informed by UNMPD that the student is missing.

UNMPD will notify any other law enforcement agencies, within 24 hours, as appropriate, for purposes of coordinating the investigation and continuing efforts to locate the student. The Dean of Students will initiate actions deemed appropriate under the circumstances in the best interest of the missing student. For example, contacting the student's instructors may occur if necessary or beneficial in the situation to the student and/or instructors.

### 10.2 STUDENT CONTACT INFORMATION

Residential students have the opportunity to identify an individual who will be contacted by UNM not later than 24 hours after the time that the student is determined to be missing. The contact person may be a parent, legal guardian, or other person of the student's choosing. If the student is under 18 years of age and is not emancipated, UNM must also notify a parent or legal guardian not later than 24 hours after the time that the student is determined to be missing. Student contact information is held confidential and is accessible only to authorized UNM officials and law enforcement involved in a missing person investigation.

Students living in UNM residence halls can register their confidential contact information, or make any changes to previously registered information, through RLSH. Students living in the American Campus Communities (ACC) properties (Casas del Rio or Lobo Village) can register their confidential contact information, or make changes to previously registered information, through their respective residence hall front desk. Students residing in Greek housing can register their confidential contact information through the Greek Life Office of UNM Student Activities Center. Students are responsible for ensuring that their contact information is up-to-date and accurate.

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

**University of New Mexico Police Department (UNMPD)**

505-277-2241

**Dean of Students Office (DOSO)**

505-277-3361

**Residence Life & Student Housing (RLSH)**

505-277-2606

**American Campus Communities (ACC)**

Lobo Village: 505-925-5575 | Casas del Rio: 505-277-1619

**Fraternity & Sorority Life (FSL)**

505-277-4706

# 11 | TIMELY WARNING & EMERGENCY NOTIFICATION

## 11.1 TIMELY WARNINGS (LOBO ADVISORIES)

UNM will, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), and that will aid in the prevention of similar crimes, report to the campus community on crimes that—

- meet the definition of a Clery Act offense,
- occur within UNM's Clery Act geography,
- are reported to a Campus Security Authority or local police agency, and
- are considered to represent a serious or ongoing threat to students and employees.

The Lobo Advisory includes appropriate information as soon as it becomes available, such as location, crime, description of subject (if known), and any other pertinent details that will promote safety and aid in the prevention of similar crimes. Additional updates may be issued as the situation evolves.

The determination of a "serious or continuing threat" is made by the on-call Command Staff individual at the UNM Police Department. Once the determination of a serious and continued threat has been made, the on-call Command Staff individual will create the content of issue the Lobo Advisory and issue it to the entire campus community. The issuer may use the assistance of other individuals or offices in crafting the wording of the message.

A decision as to whether to issue a Lobo Advisory is made on a case-by-case basis in light of all the facts surrounding a crime, and one might not be issued if it could compromise the apprehension of a suspect.

UNM is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

## METHODS OF LOBO ADVISORY DISTRIBUTION

UNM uses UNM email and the UNM webpage to distribute Lobo Advisories to the campus community.

## 11.2 EMERGENCY NOTIFICATIONS (LOBO ALERTS)

Upon learning of an imminent threat or dangerous situation that has the potential to negatively impact UNM's Health Sciences Rio Rancho Campus, UNM community members are encouraged to call Rio Rancho Police Department directly (9-1-1 or 505-891-7226), SRMC Security (505-994-7755), or a member of Operations staff within the Health Sciences Center Rio Rancho building. The receiver of a report involving a potential threat to the Health Sciences Rio Rancho Campus will, without delay, notify UNMPD which will initiate the notification system.

If there is an immediate threat to the health or safety of students or employees occurring on campus, UNM will follow its emergency notification procedures.

When UNMPD receives information about an imminent threat or dangerous situation occurring on or near the HSRR campus, they will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the 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.

Once an emergency has been reported to UNMPD, the Officer of Dispatcher receiving the report will initiate the notification system by notifying the on-call UNMPD Command Staff individual who will make the determination to issue an Lobo Alert. The on-call Command Staff individual will determine the appropriate segment or segments of the campus community to receive the notification, create the content of issue the Lobo Alert, and issue it utilizing the UNM's LoboAlerts (Rave) emergency messaging system. The issuer may use the assistance of



## 11 | TIMELY WARNING & EMERGENCY NOTIFICATION, CONT.

other individuals or offices in crafting the wording of the message.

Examples of situations requiring a Lobo Alert include:

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

### METHODS OF LOBO ALERT DISTRIBUTION

UNM uses the Rave LoboAlerts text messaging system, the LoboGuardian app, UNM email, and the UNM webpage to distribute Lobo Alerts to the campus community. The University also employs Really Simple Syndication (RSS) to keep the larger community informed.



## 12 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING

As part of its responsibilities under the VAWA amendments to the Clery Act and the State of [New Mexico House Bill 151](#), UNM provides primary and ongoing prevention and awareness programs to prevent sexual assault, domestic violence, dating violence, and stalking for 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.

Programs to prevent sexual assault, domestic violence, dating violence, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at current students and employees and include, at a minimum:

- A statement that UNM prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking,
- The definitions of sexual assault, domestic violence, dating violence, 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, and
- Procedures UNM follows and the rights parties have through disciplinary proceedings when one of these crimes is reported.

### 12.1 PRIMARY PREVENTION PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING

#### PROGRAMS FOR INCOMING STUDENTS

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

#### ONGOING PROGRAMS FOR STUDENTS

##### *Lobos Intervene*

This 45-minute workshop offered by the [LoboRESPECT Advocacy Center \(LRAC\)](#) was developed as a follow-up bystander intervention workshop. The module, which is based in interactive role play, can be fitted for general use or tailored to fit scenarios specific to different student populations. Attendees identify various moments and modes for intervening in a variety of circumstances that could otherwise have negative consequences.

##### *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.

##### *Prevention Workshops and Trainings*

Throughout the year and each September during Campus Safety Week, various offices host workshops, trainings,

## 12 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING, CONT.

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 [LGBTQ 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.

### *Finding the Line: Clear Boundaries. Healthy Relationships.*

The LoboRESPECT Advocacy Center'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.

### *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.

### *Weekly Advocacy Events*

The UNM [Women's Resource Center \(WRC\)](#) 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.

## PROGRAMS FOR NEW EMPLOYEES

### *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.

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## 12.2 AWARENESS CAMPAIGNS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING

## CAMPAIGNS FOR INCOMING STUDENTS

### *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.

## 12 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING, CONT.

### ONGOING CAMPAIGNS FOR STUDENTS

#### *Title IX ASUNM Virtual Meeting*

UNM's Title IX Coordinator attends the Associated Students at the University of New Mexico (ASUNM) to discuss and questions answer students and their representations have about Title IX regulations.

#### *Red Zone Awareness*

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#### *"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

#### *Sports Games*

Each year during a UNM Lobos Football home game, the Title IX Coordinator, in collaboration with Lobo Athletics, broadcasts information about Domestic Violence Awareness Month and ways to find help on the Lobos jumbotron.

#### *Consent Fair*

Campus Advocates, Title IX staff, and other proponents of safe and healthy relationships participate in a Consent Fair at the Student Union Building that UNM hosts every year.

#### *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.

### CAMPAIGNS FOR NEW EMPLOYEES

#### *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 raises awareness among employees about common issues that arise in the academic and work settings related to sexual and other types of interpersonal misconduct.

### ONGOING CAMPAIGNS FOR EMPLOYEES

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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.

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## 12 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING, CONT.

sexual and other types of interpersonal misconduct. It is mandatory for all employees on an annual basis.

### *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.

## 12.3 RISK REDUCTION STRATEGIES

### REDUCING YOUR RISK OF BECOMING A VICTIM OF SEXUAL VIOLENCE & OTHER CRIMES

The following tips from the **Rape, Abuse & Incest National Network (RAINN)** may reduce your risk for many different types of crimes, including sexual violence.

**Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access. Make sure your cell phone is with you and charged and that you have an account with a ride share service.

**Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.

**Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings. Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.

**Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?

**Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

### *Safety in Social Settings*

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

**Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.

**Protect your drink.** Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured, and carry your own. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.

**Know your limits.** Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately. Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately. If you suspect you or a friend has been drugged, call 9-1-1. Be



## 12 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING, CONT.

straightforward with doctors so they can give the right tests.

**It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.

**Stay with your group.** Don't allow yourself to be isolated with someone you don't trust or know, and try to avoid isolated areas. It is more difficult to get help if no one is around. Walk with purpose. Even if you don't know where you are going, act like you do.

**Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

### *Feeling Safe After an Assault*

If you have experienced sexual assault, there are steps you can take to feel safer.

**Make use of on-campus resources.** Colleges often provide a host of services to students for free, including security escorts, health centers, psychological services, and sexual assault services.

**Request a schedule or housing change.** If you have classes with the perpetrator or live in the same building, you can request a change from your college administration. Federal laws, such as the Campus SaVE Act, require colleges to honor these requests.

**Access off-campus support services.** If you are concerned about anonymity, you can seek out resources located off campus in the community, like a local sexual assault service provider or domestic violence shelter.

**Seek a civil protection order (CPO).** A CPO, sometimes also referred to as a temporary restraining order (TPO), is a legal document that bars an individual from certain types of contact with the person who is awarded the order. An individual who violates the terms of the restraining order can face criminal charges. Each state has its own rules and regulations for Sexual Assault CPOs that you can learn more about through the American Bar Association.

**Create a safety plan.** If you are concerned for your ongoing safety, it can be worthwhile to create a safety plan. Safety planning is about finding ways to be safe in the present while planning for your future safety as well.

## STALKING AWARENESS & PREVENTION

It can be helpful to think of the following strategies Stalking Prevention, Awareness, & Resource Center (SPARC) to help keep yourself and loved ones safe from stalking. You may want to:

**Call 9-1-1** if you're in imminent danger or have been threatened.

**Trust your instincts.** If you think that you're in danger, you probably are.

**Connect with campus resources** who can help you explore options and make a detailed safety plan, like the Agora Crisis Center, advocacy services like UNM's Women's Resource Center (WRC), LoboRESPECT Advocacy Center (LRAC), or LGBTQ Resource Center, or the UNM Police Department (UNMPD).

**Document everything that happens** – keep a record or log. See [stalkingawareness.org/what-to-do-if-you-are-being-stalked/](https://stalkingawareness.org/what-to-do-if-you-are-being-stalked/) for a sample log.

**Tell people you trust about the situation.** Consider asking family, friends, classmates, and/or roommate(s) to help with your safety plans.

**Consider getting a court order to keep the stalker away**

## 12 | PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING, CONT.

**from you.** Campus support services can help you contact a local domestic violence/sexual assault agency or family court for more information.

**The stalking is not your fault and you cannot control the stalker's behaviors.**

Learn more safety strategies at [stalkingawareness.org](https://stalkingawareness.org).

### 12.4 SAFE & POSITIVE OPTIONS FOR BYSTANDER INTERVENTION: PROTECT THE PACK!

A bystander is a person who observes a conflict or unacceptable behavior. The observed behavior may be serious or minor, one-time, or repeated, but the bystander knows that the behavior is harmful or likely to make a situation worse. This person may be in a position to discourage, prevent, or interrupt unacceptable behavior.

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

#### STEPS TO BECOMING AN ACTIVE BYSTANDER

- Notice a situation that is out of the ordinary. Does your “gut” tell you something is wrong?
- 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; don't use violence to end violence.
- Determine the potential risk(s) of taking action.
  - ❑ Are there risks to myself and/or others?
  - ❑ Is there a low-risk option?
  - ❑ How could I reduce risks?
- Determine how to implement your choice(s) safely.

#### ADDITIONAL RESOURCES FOR STUDENTS

Learn ways to get involved on your campus and share important information about sexual violence.

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. Learn about ways to protect your friends and take steps to prevent sexual assault.

If you're planning a trip—or semester—abroad, be sure to think about safety as part of your travel preparations. Did you experience sexual violence while studying abroad? Watch [this video](#) to learn more about help when you return home.

## 13 | INFORMATION ABOUT SEX OFFENDERS

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](#).

### 13.1 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=aHR0cDovL2NvbW11bmI0eW5vdGlmaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==](https://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bmI0eW5vdGlmaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==)

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/>.



## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM

This section provides 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 also available in pdf and ebook formats on the Office of Compliance, Ethics & Equal Opportunity's webpage as [A Survivor's Guide to Rights & Options at UNM](#).



### 14.1 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, whether the offense occurred on or off campus, UNM will provide the student or employee with a written explanation of their rights and options, to include:

- 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;
- A statement that the University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
- A statement that the University will provide written notification to victims about 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



## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM, CONT.

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 that the proceedings 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 victims and promotes accountability;
  - ❑ Provide the accuser and the accused 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 the advisor of their choice;
  - ❑ Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution 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 accuser and the accused, of—
    - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
    - The institution's procedures for the accused

and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;

- Any change to the result; and
- When such results become final.

A prompt, fair, and impartial proceeding includes a proceeding that is—

- Completed within reasonably prompt timeframes designated by an institution's 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;
- Conducted in a manner that—
  - ❑ Is consistent with the institution's policies and transparent to the accuser and accused;
  - ❑ Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - ❑ Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

"Advisor" means any individual who provides the accuser or accused support, guidance, or advice.

"Proceeding" means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

"Result" means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. 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 must also include the rationale for the result and the sanctions.

### 14.2 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. 14.3 How unum protects 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.

### 14.4 FIRST STEPS TO CONSIDER FOLLOWING AN ACT OF INTERPERSONAL VIOLENCE

#### MEDICAL ASSISTANCE

***If you need medical assistance, don't wait.*** The following are medical centers in the Albuquerque metro area that are equipped to handle urgent and emergency medical needs.

#### 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

## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM, CONT.

### Sexual Assault Nurse Examiner (SANE) Services

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 Flr  
Albuquerque, NM 87102  
505-884-SANE (7263)

### 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.

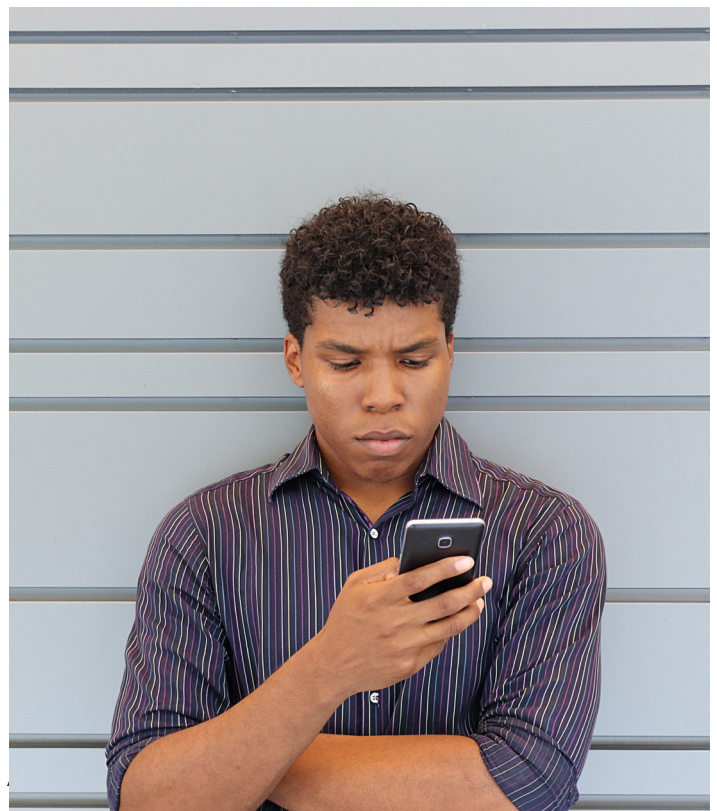
*Here are some tips:*

- ❑ 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.
- ❑ 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.
- ❑ Maintain a log of the time(s) you interacted with the perpetrator or they attempted to contact you.
- ❑ Take photos of any property damaged by the perpetrator.

### 14.5 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.



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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 has been stalked or sexually assaulted by someone who is not a household member. A **Civil Harassment Restraining Order** (Temporary Restraining Order, or TRO) is another option for when you don't have any kind 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).

### WHO CAN HELP ME OBTAIN A RESTRAINING ORDER?

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.

### 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).

## 14.6 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.

### HOW TO REQUEST AN NCD

Students can request an NCD from DOSO directly (505-277-3361 or [doso@unm.edu](mailto: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 [ceeo@unm.edu](mailto:ceeo@unm.edu)). To report a violation of an NCD, contact the office issuing the directive.

To request an NCD through a confidential resource, contact:

#### LoboRESPECT Advocacy Center

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)

#### LGBTQ Resource Center

505-277-5428 | [lgbtqrc@unm.edu](mailto:lgbtqrc@unm.edu)

#### Women's Resource Center

505-277-3716 | [women@unm.edu](mailto:women@unm.edu)

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### 14.7 REPORTING AN INCIDENT TO LAW ENFORCEMENT

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

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.

#### **DOES UNM HAVE ITS OWN POLICE FORCE?**

Yes. The University of New Mexico Police Department (UNMPD) Officers at UNM's Main, Gallup, and Valencia Campuses meet all state certification standards mandated by the New Mexico Department of Public Safety and are commissioned by the UNM Board of Regents (Section 29-5-2 NMSA 1978). They have full power of peace officers on campus and in Greek housing, which includes the authority to enforce all applicable laws and campus traffic regulations, as well as the authority to arrest. Officers investigate complaints of criminal activity on campus, partner with other police agencies to solve them, and work closely with their respective District Attorney's Office to ensure effective prosecution.

**University of New Mexico Police Department**  
505-277-2241  
2500 Campus Blvd NE  
Albuquerque, NM 87131  
(west end of Hekona Hall)

#### **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. If you are unsure of which one to call, contact UNMPD (505-277-

2241) and they can help you determine which agency to notify.

#### **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.

#### **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.

#### **LOCAL POLICE AGENCIES**

##### **Rio Rancho Police Department**

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

##### **Sandoval County Sheriff's Office**

7255 Oersted Rd NE  
Bernalillo, NM 87004  
505-891-722

##### **Albuquerque Police Department**

University Area Command  
505-242-2677  
1009 Bradbury Dr SE  
Albuquerque, NM 87106

##### **Bernalillo County Sheriff's Office**

505-468-7100  
400 Roma Ave NW  
Albuquerque, NM 87102  
sheriff@berco.gov



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### 14.8 REPORTING AN INCIDENT TO UNM

#### HOW UNM RESPONDS TO REPORTS OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING

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 (sexual assault, domestic violence, dating violence, or stalking), regardless of where the incident occurred.

A Complainant (victim) may file a report of sexual assault, domestic violence, dating violence, or stalking to obtain information regarding their rights, the availability of supportive measures, and the option to file a complaint to initiate an investigation.

Through UNM's grievance process, a student or employee accused of sexual assault, domestic violence, dating violence, or stalking in a report to the University has the potential to be found responsible for violating one or more of the following University Administrative Policies (UAPs) at UNM:

- [UAP 2720: Equal Opportunity and Prohibited Discrimination and Related Misconduct](#)
- [UAP 2745: Clery Act Compliance](#)
- [UAP 2740: Sex Discrimination Including Sexual Misconduct](#)
- *For reports of incidents that occurred prior to August 1, 2024: [Student Code of Conduct](#) (Section 2)*

UNM's CEEEO Grievance Procedure (CGP), available in full in **Appendix A**, dictates the process by which UNM responds to a report of sexual assault, domestic violence, dating violence, or stalking, regardless of which policy is invoked. The grievance process is the same for UNM students, faculty, and staff.

### JURISDICTION

Regardless of where the alleged conduct occurred, a VAWA crime is considered jurisdictional to CEEEO 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.
- The conduct has continuing effects on campus or in an off-campus sponsored program or activity.

Reports involving VAWA allegations that meet the following criteria may specifically invoke UAP 2740 pursuant to Title IX of the Education Amendments of 1972.

- The conduct is based on the Complainant's perceived or actual sex, sex stereotypes, sex characteristics, gender identity, sexual orientation, or pregnancy or related conditions.
- The conduct took place on campus or on property owned or controlled by UNM, at a UNM-sponsored event, or in a building owned or controlled by UNM or a UNM-recognized student organization.
- The Complainant must be 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.
- *For reports of incidents that occurred prior to August 1, 2024: The conduct occurred within the United States.*

Even in cases where the report is considered nonjurisdictional because the Respondent is unaffiliated with the University, a current or prospective student or employee is entitled to supportive and protective measures after filing a report. If a report falls within CEEEO's jurisdictional scope, a party may choose to resolve the report or concern through an alternative resolution or investigation.

### ALTERNATIVE RESOLUTION

An alternative resolution (AR) is a path designed to



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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 investigation is not conducted and the allegations in the report are neither corroborated nor contested. An AR is not disciplinary in nature.

### INVESTIGATION

During an investigation, CEEO acts as a neutral finder of facts. A Compliance Specialist assigned to the case 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 the UNM Hearing Office.

### LIVE HEARING

The UNM Hearing Officer (HO) presides over a live hearing to adjudicate the complaint and determine whether the Respondent's behavior violated UNM policy. 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 Hearing Office notifies both parties in writing about the HO's Final Determination simultaneously. UNM's HO Procedures are available in full in **Appendix B**.

### DISMISSALS & WITHDRAWALS

If, at any point, the available evidence shows that the matter does not meet jurisdictional requirements or if the Respondent is no longer affiliated with UNM, CEEO may dismiss a complaint. A Complainant may also elect to withdraw their complaint at any time.

### RIGHT TO APPEAL

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.

### GENERAL TIMELINES

CEEEO attempts to resolve all reports in a timely manner, and generally concluding investigations within sixty (60) calendar days. 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, good cause extension). In investigations where there is also a criminal investigation being conducted by law enforcement, the CEEEO process will run concurrently with such an investigation. CEEEO may grant temporary delays reasonably requested by law enforcement for evidence gathering and preservation.

### REMEDIES

Upon a Respondent's finding of responsibility under 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. Remedies can take the form of disciplinary measures for the Respondent.

### SANCTIONS

If the HO determines the Respondent has violated UNM policy, they will coordinate with the most appropriate University office to provide sanctions that are appropriate and consistent with the findings. The sanctioning authority must discuss the disciplinary action with the Title IX Coordinator prior to finalizing the disciplinary action. Someone who is found responsible for a violation of policy

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involving sexual assault, domestic violence, dating violence, or stalking is subject to any of the following sanctions.

### *Students*

- Verbal warning
- Written warning
- Disciplinary probation
- Suspension
- Expulsion
- Dismissal from University
- employment
- Barrment from campus

### *Visitors*

- Verbal warning
- Written warning
- Probation
- Removal from campus
- Barred from campus
- Denial of admission,
- readmission, or employment by the University

### *Unrepresented Faculty*

- Warning
- Censure
- Disciplinary probation
- Suspension without pay
- Dismissal

### *Faculty Members of United Academics - UNM Units 1 & 2*

- Censure
- Suspension without pay
- Termination

### *Unrepresented Staff*

- Letter of improvement
- Written warning
- Suspension
- Discharge

### *Employee Members of United Staff - UNM*

- Letter of improvement
- Written warnings/notice
- Suspension

- Discharge

### *Employee Members of UNM Police Officer's Association - Albuquerque*

- Letter of improvement
- Written reprimand/warning
- Suspension without pay
- Dismissal/Discharge

### *Employee Members of Communications Workers of America*

- Letter of improvement
- Written warning
- Suspension
- Discharge

### *Employee Members of the United Electrical, Radio and Machine Workers of America (United Graduate Workers of UNM)*

- Written reprimand
- Suspension without pay
- Discharge

## 14.9 KNOW YOUR RIGHTS

Upon filing a formal complaint with the University, you have the right to:

1. 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

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and do not have a conflict of interest or bias for or against the Complainant or Respondent.^

2. Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.^
3. Receive timely notice of meetings at which the accuser or accused, or both, may be present.^
4. Examine and respond to all evidence gathered by CEEO.^
5. 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 CEEO process—including during the investigatory stage—to help you navigate UNM's administrative processes.\*^
6. Supportive measures throughout the administrative resolution process.^
7. 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.^
8. Appeal a dismissal, a Hearing Office Final Determination, or accompanying sanction to the Office of the President within seven business days of the date the Hearing Office issues its Final Determination, and to receive notice in writing of the final outcome after the appeal is resolved.^

\* 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 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.

^ Available to both Complainants and Respondents

### 14.10 UNM REPORTING SITES

#### REPORTING 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 a 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 Branches.

#### **LoboRESPECT Advocacy Center (LRAC)\***

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

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

#### **Women's Resource Center (WRC)\***

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

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

#### **LGBTQ Resource Center\***

919 Las Lomas NE (Bldg 168), Albuquerque, NM 87131  
505-277-5428 | [lgbtqrc@unm.edu](mailto:lgbtqrc@unm.edu)

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

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### 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**

### Compliance, Ethics & Equal Opportunity (CEEO)\*

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

Dr. Angela Catena: acatena@unm.edu

✓ **Supportive Measures**

### REPORTING 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 a 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 Branches.

### Counseling, Assistance & Referral Services (CARS)\*

1800 Mesa Vista Rd NE (Bldg 184)

Albuquerque, NM 87106

505-277-3136 | cars@unm.edu

✓ **Confidential**

### 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**

### Compliance, Ethics & Equal Opportunity (CEEO)\*

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

Dr. Angela Catena: acatena@unm.edu

✓ **Supportive Measures**

## 14.11 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

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### 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

### 14.12 ON-CAMPUS RESOURCES

#### KEY

Available to UNM students: **S**

Available to UNM employees: **E**

#### HEALTH & MEDICAL ASSISTANCE

##### 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](mailto:shac@unm.edu)

After-hours medical: 505-277-3136, Option #2

*On-call service regarding medical needs for UNM students only.*





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### 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

### COUNSELING & MENTAL HEALTH

#### 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)

### 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

#### 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 graduate 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

## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM, CONT.

### 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

### LGBTQ Resource Center - S E

The LGBTQ Resource Center offers services and support for LGBTQ+ individuals at UNM.  
919 Las Lomas NE (Bldg 168)  
Albuquerque, NM 87131  
505-277-5428 | ltqrc@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)

### EMERGENCY FOOD & HOUSING

#### UNM-Valencia Campus Food Pantry - S E

Fully stocked with quick meals, take-home food, drinks, and hygiene products, all free for students. Kitchen appliances on site.  
PASOS Resource Center  
Los Lunas, NM 87031  
Located in the Learning Resource Center Building directly across from the STEM Center.  
505-925-8546 | pasos@unm.edu

#### LoboRESPECT Advocacy Center (LRAC Housing/Shelter Services) - S E

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

## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM, CONT.

### 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](mailto: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

*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](mailto:onestop@unm.edu)

### 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](mailto:parktran@unm.edu)

#### UNM Police Department - S E

*Offers safety escort services to and from locations on campus and bicycle registration for UNM community members.*  
Hokona Hall (Bldg 58), west side  
2500 Campus Blvd NE  
Albuquerque, NM 87131  
505-277-2241

#### 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



## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM, CONT.

### 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](mailto:arc@unm.edu)

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

*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](mailto:ceeo@unm.edu)

### 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](mailto: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](mailto: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](mailto:vrc@unm.edu)

### SUPPORT FOR INTERNATIONAL STUDENTS & EMPLOYEES

#### UNM International Student and Scholar Services - S E

*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](mailto:geo@unm.edu)

### AUXILIARY SAFETY SERVICES

#### UNM Security - S E

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

Hokona Hall (Bldg 58), west side  
2500 Campus Blvd NE  
Albuquerque, NM 87131  
505-277-6059  
Emergency Dispatch: 505-277-2241

#### UNM Hospitals Security (North Campus) - S E

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

UNM Hospital  
2211 Lomas Blvd NE  
Albuquerque, NM 87106  
505-272-2160



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### UNM Student Safety - S E

*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

### 14.13 COMMUNITY RESOURCES

#### SEXUAL ASSAULT SERVICES

##### New 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 are 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)

#### 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

##### 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



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*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

### Teambuilders Behavioral Health - Bernalillo

*Serves adults, children, adolescents, and families.*

301 South Camino del Pueblo  
Bernalillo, NM 87004  
505-404-6907

### 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](mailto: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 | [tgrcnm@tgrcnm.org](mailto:tgrcnm@tgrcnm.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

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### 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)

#### Valencia Shelter Services

*Assists individuals seeking immediate support in accessing shelter and other resources they may need.*

505-864-1383

#### 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 Lifeline

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

877-565-8860

### 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

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### 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 – 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

### Valencia Shelter Services

*Support with filing restraining orders, court preparation, and court attendance.*

Administrative Offices

445 Camino Del Rey Dr, Ste E

Los Lunas, NM 87031

505-864-1283 | referrals@valenciashelterservices.org

### 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

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### 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](mailto:info@ccasfnm.org)

### 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 bus

*Fare-free bus rides connecting communities throughout Valencia County.*

1-866-795-RAIL (7245) or 505-352-3595

#### 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.)

### HOUSING ASSISTANCE

#### Albuquerque Housing Authority

*Provides quality housing for those with limited incomes.*

1840 University Blvd SE

Albuquerque, NM 87106

505-764-3920

## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM, CONT.

### 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

### Habitat for Humanity

*Assists individuals and families with finding affordable housing.*

Greater Albuquerque HFH  
505-265-0057 | [info@habitatbq.org](mailto: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](mailto:isiabq@isionline.org)

### AUXILIARY SAFETY ASSISTANCE

#### Albuquerque Community Safety (ACS)

Non-emergencies: 311





## 14 | A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM, CONT.

### 14.14 IMPORTANT DEFINITIONS

This section provides a list of definitions for sexual assault, domestic violence, dating violence, stalking, and consent as set forth by the:

- 2013 Reauthorization of the Violence Against Women Act (VAWA) amendments to the Clery Act, which UNM uses in its campus disciplinary process pursuant to University Administrative Policies (UAPs) 2720, 2740, and 2745 and the
- State of 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 you understand your options should you 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.

#### SEXUAL ASSAULT

##### Violence Against Women Act Definitions of Sexual Assault

###### *Sexual assault.*

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program.

###### *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.

#### State of New Mexico Definitions of Sexual Assault

###### *Sexual Assault.*

Criminal Sexual Penetration (NMSA 1978, § 30-9-11), Criminal Sexual Contact (NMSA 1978, § 30-9-12), and Criminal Sexual Contact with a Minor (NMSA 1978, § 30-9-13)

The state of New Mexico does not have a separate definition for "sexual assault."

"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, or the genital or anal openings of another, whether or not there is any emission.

Criminal sexual penetration is a felony crime; the degree of the felony (first degree through fourth degree) depends on the age of the victim and the force or coercion used by the perpetrator.

"Force or coercion" is defined in NMSA 1978, § 30-9-10(A) and means:

- the use of physical force or physical violence;
- the use of threats to use physical force or violence against the victim or another;
- the use of threats, including threats of physical punishment, kidnapping, extortion, or retaliation directed against the victim or another; or
- committing a criminal sexual penetration or criminal

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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.

“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. “Intimate parts” means the primary genital area, groin, buttocks, anus, or breast.

Criminal sexual contact is a felony crime if perpetrated by the use of force or coercion that results in personal injury to the victim, or if the perpetrator is aided or abetted by others, or when the perpetrator is armed with a deadly weapon.

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

“Criminal sexual contact with a minor” is the unlawful and intentional touching of or application of force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one’s intimate parts. “Intimate parts” means the primary genital area, groin, buttocks, anus, or breast. A “minor” is a person eighteen years of age or younger.

### DOMESTIC VIOLENCE

#### University of New Mexico Definition of Domestic Violence

##### *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, or
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### State of New Mexico Definition of Domestic Violence

*Domestic Violence – NMSA 1978, § 30-3-10, et seq., “Crimes Against Household Members Act” (includes dating violence).*

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

“Domestic abuse” is defined as “an incident of stalking or sexual assault whether committed by a household member or not” resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear or bodily injury by any household member, criminal trespass, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, harassment, or harm or threatened harm to children.

“Household members” include a spouse, former spouse, parent, present or former stepparent, present or former

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parent-in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. Violation of any provision of an order of protection issued under the Family Violence Protection Act is a misdemeanor crime and constitutes contempt of court and may result in a fine or imprisonment or both.

“Assault against a household member” means:

- 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” means:
- 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 violent felony” means 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” 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” consists of the unlawful touching or application of force against a household member with intent to injure that person or another.

### DATING VIOLENCE

#### University of New Mexico Definition of Dating Violence

#### *Dating Violence.*

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

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

#### State of New Mexico Definition of Dating Violence

Under New Mexico's 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” consists of assault or battery of:

- a spouse or former spouse, or
  - parent, step-parent, in-law, grandparent, grandparent-in-law, co-parent of a child, or a person with whom a person has had a continuing personal relationship.
- “Continuing personal relationship” means a dating or intimate relationship.

Cohabitation is not necessary to be deemed a household member for purposes of the Crimes Against Household Members Act.

### STALKING

#### University of New Mexico Definition of Stalking

#### *Stalking.*

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear

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for the person's safety or the safety of others or suffer substantial emotional distress.

"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.

### State of New Mexico Definition of Stalking

*Stalking - NMSA 1978, § 30-3A-1 et seq., "Harassment and Stalking Act".*

"Stalking" is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual.

"Aggravated stalking" consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

"Harassment" means 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.

## CONSENT

### University of New Mexico Definition of Consent

*Consent.*

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. 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. For information about incapacitation as it relates to the meaning of consent, visit [UAP 2740](#).

### State of New Mexico Definition of Consent

*Consent: HB 151: Affirmative Consent.*

"Affirmative consent" is the affirmative, conscious and voluntary agreement to engage in sexual activity.

# Appendix A



## OFFICE OF COMPLIANCE, ETHICS & EQUAL OPPORTUNITY

### CEEO GRIEVANCE PROCEDURE

AUGUST 1, 2024



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## **CEEO GRIEVANCE PROCEDURE**

### **I. OVERVIEW AND INTRODUCTION**

The University of New Mexico (“UNM”) is committed to creating and maintaining a community free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, and retaliation for participation in civil rights-protected or related activity. UNM has policies that prohibit discrimination and retaliation, specifically prohibiting all forms of sexual misconduct, a type of sex discrimination that is prohibited by state and federal law.

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

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

In addition, pursuant to the Violence Against Women Act (VAWA) amendments to the Clery Act, UNM will consider complaints of domestic violence and stalking that are not based on a protected status.

The Office of Compliance, Ethics & 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 alleged civil rights violations and VAWA offenses. CEEO acts as the finder of fact when investigating alleged policy violations and prepares a report after its investigation, as described herein. CEEO has no decision-making or sanctioning authority concerning alleged policy violations except for failure to report claims. Once CEEO finalizes an investigative report, CEEO refers the matter to the appropriate UNM office, which ultimately determines whether a University policy has been violated. CEEO reports directly to the UNM President’s Office to maintain optimal independence and impartiality.

In fulfilling its dual tasks of educating and providing public service, UNM shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. CEEO, acting under the authority of University Policies [2720](#), [2740](#), [2745](#), [2750](#), [2760](#), [2310](#), [2215](#), [3110](#), [3210](#), [3790](#), and Board of Regents [Policy 2.3](#), and [7.2](#) and may take necessary action to prevent, correct, and educate about behavior that violates UNM policies or impacts the academic or work environment. Leadership in CEEO includes the Chief Compliance Officer, the Deputy Chief Compliance Officer, the Director of Equal Opportunity, the Title IX Coordinator, and the Clery Coordinator.

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<sup>1</sup> See University Administrative Policy 2720 for the federal and state laws which designate the protected statuses which UNM observes.

CEEO staff treat all participants and parties respectfully and approach each case impartially and equitably. CEEO's grievance procedures do not restrict rights guaranteed under the First and Fourth Amendments to the U.S. Constitution, nor the Due Process Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution. CEEO complies with the Family Educational Rights and Privacy Act ([FERPA](#)) and other applicable state and federal privacy laws.

This CEEO Grievance Procedure ("CGP") outlines the method CEEO uses when processing complaints alleging UNM civil rights and related misconduct policy violations. Some of the complaints brought under this procedure may also contain allegations that qualify as violations of criminal statutes. As stated above, CEEO only processes alleged policy violations on an administrative level; it does not process alleged crimes. All persons who believe they have been the victim of a crime are encouraged to report such crime to law enforcement at any time, have the right to obtain assistance from University officials to report to law enforcement and have the right to decline law enforcement participation. **CEEO does NOT independently report alleged crimes to law enforcement except in limited circumstances, such as harm to a minor or elder or in the event there is a threat of imminent harm to a person or the UNM community.**

## **II. NOTIFICATION AND CORRESPONDENCE WITH CEEO**

CEEO generally sends official notifications and other documentation via email to official UNM email addresses; if an individual does not have a UNM email address, it is sent to an email address provided by the individual. Individuals may request that CEEO use an alternative email address or a different contact method. Still, unless and until this request is made, CEEO will send all correspondence using official University email. Requests that CEEO send communications to an email address other than a UNM email address must be made in writing via email to [ceeo@unm.edu](mailto: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](mailto:ceeo@unm.edu), by mail to CEEO's mailing address at 1 University of New Mexico, MSC05 3150, Albuquerque, NM 87131-0001, or by hand delivery to CEEO during CEEO's regular business hours at 609 Buena Vista Dr. NE, Albuquerque, NM 87106.

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

## **III. RETALIATION**

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

#### 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 determined by CEEO.

In cases of sex-based discrimination, including sexual misconduct, the 180-day time limit does not apply. However, CEEO reserves the option of determining the appropriate way to address sex-based discrimination in all cases.

#### V. REPORTING CONCERNS; TYPES OF COMPLAINTS

Any person, including those listed below, may report discrimination or related misconduct to CEEO if they observe, experience, become aware of, or encounter conduct they believe may violate University policy(ies):

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

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

- Complete the online [UNM EthicsPoint Hotline Complaint Form](#) (anonymous reporting option is available);
- Email ([ceeo@unm.edu](mailto:ceeo@unm.edu)), fax (505-277-1356), or mail a written document describing the concerns;
- Make an appointment with a CEEO employee;
- In person at CEEO's office during regular business hours; or
- Call 505-277-5251.

Different types of complaints may be made to CEEO under this CGP, as outlined below.

##### A. Receiving a Report

The University accepts reports from campus and community members. A Complainant may file a [report](#) discrimination, harassment, or related misconduct to seek supportive measures and obtain information regarding their rights and the CEEO grievance procedures as described herein. Once informed of their options, the Complainant may initiate an alternative resolution or investigation. A report by itself, however, will not automatically activate a CEEO investigation or notification of a report to a Respondent.

The report should include:

1. The Complainant's name and preferred contact information, as well as any affiliation with UNM as a student, staff, faculty, applicant, or visitor to UNM;

2. The Respondent's name and contact information, if known, and whether the Respondent has any affiliation with UNM as a student, staff, faculty, contractor, or UNM visitor;
3. The Complainant's protected status (as recognized in [CGP Section I.](#)) under which the alleged misconduct occurred;
4. The civil rights category to which the Complainant believes the allegations belong (e.g., sexual harassment or misconduct, discrimination, harassment, failure to accommodate, retaliation, etc.), if applicable; and
5. Briefly describe the alleged policy violation, including the reasoning for the civil rights category and the Complainant's protected status.

Upon receipt of a report, the following will occur:

1. CEEEO will contact the Complainant with campus and community resources. These resources are specific to the Complainant's role at UNM (student, staff, or faculty) and may, if applicable, outline access to groups on and off campus to assist the Complainant with the impacts of the alleged misconduct;
2. CEEEO will offer the Complainant an opportunity to meet and request supportive measures; and
3. CEEEO will advise the Complainant of their right to pursue an alternative resolution or investigation and provide information regarding the CEEEO grievance procedure.

Complainants may provide the required information verbally or in writing. CEEEO may contact the reporter to discuss the details of the concerns and obtain additional information.

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

CEEEO receives reports from third-party reporters, responsible employees, or others who have information regarding potential civil rights violations or related misconduct. When a third-party report lacks sufficient detail, CEEEO may contact the individual(s) or other witnesses the third-party reporter identifies for more information. CEEEO will evaluate and accept third-party reports to determine if the report is sufficiently detailed to accept jurisdiction of the matter. In cases where reports are received from third parties, CEEEO will contact the alleged Complainant to discuss the report, determine the alleged Complainant's need for supportive measures, and how they wish to proceed.

##### 1. Failure to Report (FTR)

When CEEEO receives information that a UNM employee with reporting responsibilities, pursuant to University Policies [2720](#), [2740](#), or [2745](#), has failed to report allegations of known or suspected policy violations in a timely fashion, CEEEO will initiate the following process.

Depending upon the nature of the FTR, CEEEO may issue a memorandum or proceed with additional fact-finding processes. If an FTR is a singular occurrence with minimal impact, an FTR memorandum will be sent to the Respondent (the person who failed to report to CEEEO under UNM policies) and their supervisor. This memorandum is a reminder of the employee's duties as outlined in University Policies [2720](#), [2740](#), and/or [2745](#) and is not disciplinary or punitive. No CEEEO investigation is conducted, no finding is made, and no hearing is held.

In cases where there are multiple instances of FTR or when an FTR could or does result in significant harm to the campus or its community, CEEEO will notify the Respondent (the person who failed to report to CEEEO under



UNM policies) of the information that CEEO has related to the FTR in writing and will provide Respondent **five (5) business days** to respond to the FTR allegations, by either providing a verbal or written statement. CEEO will also provide the Respondent with their rights, responsibilities, and available resources including supportive measures and options.

CEEEO will review all relevant documents and interview witnesses, if available and necessary, to determine whether Respondent failed to report about their duties, position, and responsibility under UNM policy. This information will be gathered into an Investigative Report and provided to Respondent for review. Respondent will have **five (5) business days** from the date of the Investigative Report to provide additional, 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 CEEEO investigator makes the determination of a policy violation. 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.

### C. Anonymous Reports

Individuals who report to CEEEO may choose to do so through anonymous means, such as through UNM's [anonymous compliance hotline](#). CEEEO's ability to fully investigate the alleged discrimination may be limited in this circumstance. Similarly, an individual who reports discrimination anonymously may have limited protection from retaliation. Complete anonymity can never be guaranteed, as the specific allegations in a report may make the anonymous reporter identifiable. See [CGP Section XII](#).

As described in [Section X](#) above, responsible employees cannot make anonymous reports and must provide details as described.

### D. Process Initiated by CEEEO

Based on information the Director of Equal Opportunity and/or the Title IX Coordinator, or their designee, receives, they may exercise their authority to initiate an investigation or alternative resolution on behalf of UNM, regardless of the cooperation or involvement of a Complainant or affected party.

### E. False Reports

If 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 determined to have filed a false report will be referred to the appropriate UNM office under UNM policies for review and discipline as appropriate.

## VI. JURISDICTION

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

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

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

To make a jurisdictional determination, CEEO 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; and
9. Whether multiple parties were impacted.

## VII. PROCESS OPTIONS

When a Complainant determines that they want either an alternative resolution with a Respondent or an investigation into a Respondent's alleged misconduct, CEEO will confirm the Complainant's allegations via a Confirmation of Allegations, which outlines the specific charges being addressed by CEEO. The Complainant is given **two (2) business days** to review and confirm their statement or provide additional information. **Three (3) business days** after the Complainant's review period expires, CEEO will send the Notice of Jurisdiction to both the Complainant and Respondent at the same time. The Notice of Jurisdiction will include the following:

1. Notice that a complaint has been received;
2. The specific charge(s) being addressed and description of Complainant's allegations, including the identities of relevant participants;
3. The specific policy(ies) that Respondent is alleged to have violated;
4. The date and location of the incident, if known;
5. A statement that Respondent is presumed not to have violated policy until a determination is made at the conclusion of the grievance process, if applicable;
6. Inform the parties that they may have an Advisor of their choice during any subsequent hearing, including an attorney at their own expense, as applicable;
7. Inform the parties that they may have a Support Person of their choice to accompany them to any meeting or interview with CEEO;

8. Advise the parties of UNM policies prohibiting false statements. See [UNM Student Code of Conduct](#), Section 2.3; [University Policy 2720](#), Section 12; [University Policy 2740](#).
9. Inform the parties about retaliation as described in University policy;
10. Notify parties that they may pose cross-examination questions to the other party by submitting those questions to the CEEO Compliance Specialist assigned to the investigation, as applicable;
11. Provide notice of any additional allegations that arise after the initial notice to the parties;
12. State the purpose of all meetings with a party, with enough time for the party to prepare for the meeting;
13. Extend an invitation to meet with the Respondent to discuss the allegations; and
14. Notify the parties and witnesses that interviews will be recorded and transcribed for their approval.

Meetings for gathering statements related to an investigation will be recorded and transcribed. This ensures accuracy, offers a reference for review, and allows parties to clarify and confirm their statements to CEEO.

If a party prefers not to be recorded, they should inform the CEEO Compliance Specialist, investigator, or staff member as soon as possible. Instead of the recording and transcript, they may submit a written statement directly to the CEEO investigation that will be summarized appropriately and sent to the party for confirmation.

#### F. Process Options

After a Complainant elects either an alternative resolution or an investigation, and the parties are provided with notice, the following process options are available:

##### 2. Withdrawal of Election Option

A Complainant may withdraw their alternative resolution or investigation at any time after bringing concerns to CEEO. If the Complainant chooses to withdraw their election, they must notify CEEO in writing; an email to CEEO will suffice. A Complainant can still access supportive measures as described in this CGP.

Even if a Complainant withdraws their election, CEEO reserves the right to continue its inquiry into the concerns 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 further action is taken regarding their report. If CEEO reopens a matter after the **five (5) business days** have passed, CEEO will inform the Complainant. CEEO may act as deemed appropriate to ensure a working and learning environment free from harassment and discrimination.

If, after a withdrawal by Complainant, CEEO determines it will not proceed with its grievance, it will dismiss the election and notify the parties of the dismissal and justification. See [Section F.4.d.i.](#) herein.

##### 3. Alternative Resolution

An alternative resolution is a path designed to eliminate the alleged misconduct, prevent its recurrence, and remedy its effects to ensure compliance, along with the safety and welfare of the campus community. In an alternative resolution, Respondents may be informed that allegations have been made against them and are made aware of UNM policies and behavioral expectations. This is an alternative 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.

The parties must agree with this option to proceed with an alternative resolution in cases involving alleged Policy 2740 violations. If the parties do not agree, CEEO will proceed as appropriate under the specific circumstances.

An alternative resolution does not follow a pre-determined process. Instead, CEEO consults with the parties and then proceeds with a solution that prevents the recurrence of the alleged misconduct. 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;
- Provide training or engage in other collaborative processes as CEEO deems appropriate;
- Initiate an accommodation process in cases where a failure to accommodate has been alleged;
- Facilitate dialogue about the issues to improve the environment or remedy the effects of the alleged conduct; or
- Refer the parties 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, CEEO sends follow-up correspondence to Respondent and/or to Respondent's supervisor or another authority figure (if applicable), documenting what action was taken by CEEO. CEEO notifies Complainant of the action taken and, when appropriate, may impose a monitoring period to ensure the conduct has stopped. After the monitoring 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. In those instances, CEEO may proceed with an investigation, which can lead to an evidentiary hearing before a Hearing Officer, as described herein.

#### 4. Investigation

An investigation is initiated at Complainant's or CEEO's election. The investigation is a neutral process during which CEEO gathers evidence related to the allegations CEEO receives. This evidence is gathered from the parties, any witnesses they identify, any witnesses CEEO identifies, and from any other source willing to provide information to CEEO. The parties are encouraged to provide evidence and witnesses relevant to their case and should submit evidence that is described in the Definitions section of this CGP. As described in greater detail below, each party will have the following opportunities during a CEEO investigation:

- Be provided an overview of the CEEO process;
- Submit a written or verbal statement to the investigator;
- Provide evidence to the investigator;

- Suggest witnesses to be interviewed by the investigator;<sup>2</sup>
- Review the evidence gathered and organized into an Investigative Report and provide new relevant information; and
- Propose questions to be asked of witnesses and parties.

If additional allegations are identified during the investigation, the investigator shall provide an amended notice to the parties. The Respondent will have the opportunity to provide additional information in response to new allegations.

#### a. *Complainant Meeting*

Upon receiving a report, CEEO will reach out to the Complainant to schedule a process meeting. During the meeting, CEEO will describe process options, the rights and responsibilities of the parties, and UNM's policies prohibiting retaliation.

Included in the initial outreach, CEEO will provide Complainant with an election form, which allows Complainant to outline the specific process with which they would like to proceed. The Complainant has **ten (10) business days** from the initial CEEO outreach to meet with CEEO or make their election. If, at the end of the 10 days, Complainant has not made an election, CEEO will close the report. However, the Complainant may reinstate the CEEO process in the future.

After receiving the Complainant's election, CEEO will assign an investigator to the report, if applicable. CEEO will request to meet with the Complainant within **five (5) business days** of having received Complainant's process election. At this meeting, the CEEO investigator will interview the Complainant to determine the specific facts underlying the Complainant's allegations. The interview will be audio-recorded and transcribed. **Two (2) business days** after the interview, the CEEO investigator will send the Complainant the interview transcript and a Confirmation of Allegations (COA) outlining the specific concerns CEEO will address. The Complainant has **two (2) business days** to review the information and confirm its contents. After the two-day time period, CEEO will proceed with issuing a Notice of Jurisdiction, which describes the allegations it will investigate, to both the Complainant and Respondent simultaneously.

If a Complainant does not want their statement to be recorded, they will submit a written statement outlining their allegations to the CEEO investigator in the time frame specified. The CEEO investigator may ask follow-up questions in writing to clarify the written statement.

If a Complainant does not return a COA for the allegations, they have raised within the timeline specified above, CEEO may, at its option, close the complaint without further action, or take any action it determines necessary based on the information it has.

#### b. *Respondent Meeting*

After a Notice of Jurisdiction (NOJ) is issued to the parties, CEEO will schedule a process meeting with Respondent. The NOJ will solicit questions each party would like the investigator to ask of the other party during

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<sup>2</sup> Witness statements which attest to a party's character are limited and are considered on a case-by-case basis. Any witnesses suggested by the parties should provide relevant evidence specific to the allegations in the complaint.



the investigation. These answers will be included in the evidence of the Investigative Report. CEEO will determine the format and exact content of questions asked of the parties to elicit relevant information and maximize the impartiality of the question content.

At the process meeting, CEEO reviews the NOJ with Respondent, advises them of the CEEO process, and makes them aware of their rights and responsibilities under this CGP. CEEO will provide Respondent with the ability to make a verbal response to the allegations, which is audio-recorded and transcribed. **Two (2) business days** after the interview, the CEEO investigator will submit the interview transcription and an overview of Respondent's responses to the allegations. Respondent has **two (2) business days** to review the information and confirm its contents. After the two-day time period, CEEO will proceed with the investigation.

If a Respondent does not want their statement to be recorded, they will submit a written statement outlining their response to the CEEO investigator in the time frame specified. The CEEO investigator may ask follow-up questions in writing to clarify the written response.

### *c. Evidence Gathering*

As part of its investigation, CEEO gathers information it deems relevant to the allegations. The parties may submit documentation they believe should be considered, as well as identify witnesses they believe should be interviewed. Witnesses are given the opportunity to review a transcript and summary of their statement, referred to as the Confirmation of Witness Statement (COWS), 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, for CEEO to request and preserve the evidence.

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

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

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

### *d. Post-Investigation Steps*

At any point during an investigation, CEEEO may dismiss some or all of the allegations, or continue the investigatory process for further action if a dismissal is not warranted.

#### *i. Dismissal Memorandum*

If the evidence gathered during an investigation indicates that there is insufficient information for a decision maker to make a determination, or does not fall within the jurisdiction of CEEEO, it will issue a Dismissal

Memorandum to the parties, summarizing its investigative findings and justification for dismissing the complaint.

CEEEO will consider a dismissal as follows:

- Where a Complainant notifies CEEEO or the Title IX Coordinator in writing that they want to withdraw the complaint or any allegations therein;
- Where the Respondent is no longer enrolled in or employed by UNM; or
- 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 for one or more of the following reasons:

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

A dismissal appeal should follow the procedure outlined in this CGP. Even when it issues a dismissal, 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-investigative or post-dismissal action is deemed appropriate, parties who need to know will be notified. This informal action may include:

- Referring the issue to a department 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; or
- Referral to another department on campus with authority to address the issues including the UNM Police Department, Dean of Students, Academic Affairs, or Human Resources.

## ii. Investigative Report

If it does not dismiss all allegations raised, CEEEO 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 and irrelevant evidence gathered in the investigation;
- The investigative steps taken;
- Credibility factors to be considered by the Hearing Officer or other appropriate decision-maker; 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; and

- Start from the premise that the Respondent did not engage in the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process by a preponderance of the evidence.

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; or
- **Irrelevant Information.** Information that is not relevant to the investigation or the policy violations alleged will not be included in witness statements or in the Investigative Report.

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

In order to protect the integrity of a CEEO investigation, no documents or records are released to the parties until the Investigative Report is issued. The Investigative Report includes the evidence – or a description thereof – that CEEO gathered during its investigation and which the Hearing Officer may use to determine whether UNM policy was violated.

After the Investigative Report is issued, the parties will have **five (5) business days** to submit any new, relevant, factual information to be included in the Investigative Report. The response may include corrections or clarifications to the party's own statement, questions for the other party or witnesses, along with any additional evidence or witnesses **not reasonably available to the parties prior to issuing the Investigative Report**. This new information will be included as part of the record in the Investigative Report, which will be issued to the parties and the Hearing Office within **five (5) business days** of having received the parties' responses to the Investigative Report. At this point, CEEO closes the investigative file and turns the rest of the grievance procedure over to the Hearing Office.

#### e. *Grievance Hearing Process*

A live hearing presided over by a Hearing Officer will be held to adjudicate the allegations and CEEO investigation. The hearing process is determined by the [UNM Hearing Office](#), and parties should refer to its [procedures](#) for more information.

### VIII. OTHER MATTERS RELEVANT TO THE GRIEVANCE PROCESS

#### A. General Statement of Investigation Timelines

CEEEO attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of notifying the parties that CEEEO is initiating an investigation; however, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances. When there are factors that extend the normal time frame, the parties are notified of the extension and CEEEO

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.

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

#### B. Responsibilities of the Parties

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

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

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

#### C. Modification of the Investigation Process

CEEО may elect to deviate from standard process when facts or situations require it. Any deviation from the standard process will be described in detail in the Investigative Report, which 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 investigation and issue an Investigative Report.
2. Hiring Challenges. CEEO may accept a hiring challenge based on protected status, where the complaint demonstrates a potentially disparate impact on Complainant. In these situations, CEEO may name a department, division, unit, or office as Respondent and review the hiring process, procedure, candidate pool, or hiring outcome. CEEO may not name a specific Respondent in these situations and will issue only a Final Report.
3. Failure to Report. See [CGP Section V.B.1](#).

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

Complainants and Respondents are encouraged to bring a support person of their choice to guide the CEEO process, including the investigatory stage. A support person may be any person who is **NOT** a party, a potential witness in the case, or a supervisor of one of the parties; their role is to assist the party in navigating UNM's and CEEO's administrative processes.

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

In the event a CEEO investigation advances to a hearing, the parties are required to have an Advisor of their choice at the hearing stage. The Advisor assists the party during the hearing stage, including conducting direct examination of their party and witnesses and creating cross-examination questions to pose to the Hearing Officer to ask of the opposing party and witnesses. Parties to a hearing should read the [UNM Hearing Office procedure](#) regarding an Advisor's role in a hearing.

If a party is a member of a union as part of their University employment, 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 union representative's role is similar to a support person's, in that they are permitted to ask questions regarding CEEO's process but are **not** allowed to answer questions posed to the parties, present arguments or evidence, or otherwise participate directly in the investigation. A union representative shall make themselves reasonably available for all aspects of the CEEO grievance process. CEEO will review and grant good cause extensions as it deems necessary and, on a case-by-case basis; scheduling conflicts alone generally do not constitute good cause.

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

Advisors, support persons, and/or union representatives shall not share [FERPA](#)-protected or other confidential information learned through the CEEEO process, nor engage in harassment or retaliation of any person or party. Support persons and union representatives known to CEEEO will be asked to sign a Confidentiality Agreement to protect the integrity of the CEEEO grievance process and investigation.

## **IX. SANCTIONS AND REMEDIES**

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



Investigative Reports and Final Determinations may also be shared with others who have a legitimate business reason to be advised of the determination, including but not limited to: the 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 in order to remedy the effects of discriminatory and related misconduct and to prevent its recurrence.

In cases involving student Respondents, the Title IX Coordinator or Student Conduct Officer may submit a written statement regarding aggravating and mitigating factors to the sanctioning authority, including whether the Respondent was previously found to have violated University policy.

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

If the Respondent is determined to have violated [University Policy 2740](#), the Title IX Coordinator may provide the Complainant with remedies that are separate from the Respondent's sanction. Remedies are designed to maintain the Complainant's equal access to the academic and/or work environment. Remedies may include extending supportive measures as defined in this 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**

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

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

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

### **F. Departmental Investigation**

Unlike the consolidated complaint process outlined above, a departmental investigation is held when 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 or may not rise to the level of discrimination on an individual basis.

When CEEO determines that a departmental investigation is the appropriate procedural option, it will follow the investigative process as outlined in this CGP, as applicable.

### G. Hearings with Multiple Complaints against One Respondent

In instances where there are multiple complaints involving the same Respondent are not consolidated by CEEEO, the cases may be adjudicated in one hearing at the discretion of the Hearing Officer.

### H. Hiring Challenges

If an applicant for 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, CEEEO will accept the complaint as a hiring challenge. If the applicant or employee identifies a specific Respondent(s), CEEEO will follow the grievance procedure process set forth in this CGP.

If the applicant or employee does not name a specific Respondent(s), CEEEO will review documentation from the specific Human Resource or Faculty Contract area and ask that Human Resources, Faculty Contracts, 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, CEEEO will dismiss the challenge and notify the parties. Parties may appeal the dismissal as outlined herein.

If there is evidence that UNM process and policy were not followed during the hiring or promotion process, CEEEO will continue its investigation and grievance procedure set forth in this CGP.

## XI. **APPEALS**

Parties may appeal a CEEEO dismissal, as well as a Final Determination and/or sanction as follows:

### A. Appeals to the President

Either party may appeal a dismissal, final determination, and/or sanction to the President of the University of New Mexico within **seven (7) business days** of the date of issuance of a dismissal, final determination, and/or applicable sanction. Exceptions to this time limit will 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.

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

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

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

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

#### 1. Appeals Regarding a Hearing Office Final Determination

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

#### 2. Appeals Regarding a CEEO Dismissal

If a party files an appeal of a CEEO Dismissal, CEEO will be informed of the appeal. The President's Office will notify the other interested parties that an appeal has been filed. The party who is not filing an appeal will be given **five (5) business days** to submit an impact statement to the President's Office for review in consideration of the appeal. If an appeal alleges that CEEO has not followed proper procedures, CEEO will be given the opportunity to respond to the allegation.

Best efforts shall be made by the President 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 decision in its entirety or may remand all or part of the appealed CEEO dismissal or Hearing Office determination to the Hearing Officer or CEEO for additional proceedings or investigation. Written notice of the President's decision will be provided to the appealing party, the non-appealing party, the Hearing Officer, and CEEO.

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

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

Under [Regents Policy Manual, Section 1.5: Appeals to the Board of Regents](#), the Board of Regents has the discretion to review the President's decision on an appeal of the Final Determination or CEEO dismissal. The Board of Regents does not review appeal requests that have not been previously reviewed by the President. Appeals to the Board of Regents must be received within **ten (10) calendar days** from the date of the President's decision. The Board of Regents has sole discretion to determine whether the appeal will be considered.

## XII. PRIVACY

UNM strives to respect individuals' privacy 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 policy violations, or those who sanction individuals found to have violated UNM policy, have a legitimate need to know the investigative findings made by CEEO. Those who manage the appeals process 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 privacy of all parties involved in the process, UNM **cannot under any circumstances** guarantee privacy unless required to do so by law. Examples of situations in which privacy cannot be maintained include, but are not limited to:

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

CEEEO cannot grant anonymity to a person pursuing either a 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 sex 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 medical treatment to the party, unless the party provides voluntary, written consent to do so as part of this grievance process.

## APPENDIX 1: DEFINITIONS

Actual Knowledge	Notice of sexual harassment or allegations received by CEEO 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. An Advisor may be obtained independently by the Respondent or Complainant to assist in CEEO investigations, but cannot participate in CEEO interviews; rather, they act as a second observer for the Complainant or Respondent.
Affected Party	When multiple Complainants are party to a Departmental Investigation as outlined herein, they are referred to as Affected Parties.
Alternative Resolution	An informal process where CEEO does not investigate, and the allegations in the complaint are neither corroborated nor contested. An alternative resolution is not disciplinary in nature. In cases where a violation of <a href="#">Policy 2740</a> is alleged to have occurred. Both parties must agree to an alternative resolution.
COA	Confirmation of Allegations. A Complainant's written statement of the allegations they are making against the Respondent(s).
Complainant	The person(s) identified as being the target of alleged discrimination or harassment.
Confidential(ity)	Entrusted with private or restricted information that is intended to remain private or confidential to the extent allowed by law.
COR	Confirmation of Response. A Respondent's written statement in response to a Complainant's allegations.
Cross Examination	The act of posing questions to an opposing party as part of the CEEO investigative process and/or the administrative hearing process.
Differential Treatment	Occurs when a protected class of people – whether an individual or a group – are treated differently than similarly-situated individuals who are not in the protected class, due to their membership in the protected class.
Discrimination	Conduct based on protected class that excludes a person(s) from participation in, denial of benefits of, treats the person(s) differently than similarly situated individuals who are not in the protected class, or otherwise adversely affects the terms of condition of the person(s)'s employment, education, living environment, or participation in a UNM program or activity. Harassment, including hostile environment and quid pro quo, and differential treatment are forms of discrimination.
Education Program and Activity	Locations, events, or circumstances where UNM exercises substantial control over both the Respondent and the context in which harassment or discrimination occurs, and also includes any building owned or controlled by a student organization 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 and assist the Hearing Officer in reaching a determination.



Exculpatory Evidence	Evidence which tends to show that a Respondent is not responsible for an alleged policy violation.
Failure to Report	All responsible employees under <a href="#">University Policy 2740</a> are required to report allegations of known or suspected violations of <a href="#">University Policy 2740</a> or of gender discrimination to CEEO and/or the Title IX Coordinator within 24 hours or as soon as reasonably practicable. Per <a href="#">University Policy 2720</a> , supervisors are required to report allegations of known or suspected violations of UNM's civil rights policies to CEEO when the impacted party is a student or subordinate employee. Failure to report to CEEO within a reasonable timeframe could be considered a failure to report and 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.
Hearing	The adjudicatory process that takes place after CEEO has concluded its investigation of an alleged civil rights policy violation.
Hearing Coordinator	The individual responsible for coordinating a hearing among the parties, Advisors, witnesses, and other hearing participants.
Hearing Officer	The individual responsible for evaluating the evidence presented by the parties at a hearing and issuing a subsequent determination as to whether a civil rights or related policy violation occurred.
Hostile Environment	Conduct sufficiently serious (severe/pervasive) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from UNM's programs, services, opportunities, or activities, or conduct that has the purpose or effect of unreasonably interfering with a person's employment or education.
Inculpatory Evidence	Evidence which tends to show that a Respondent is responsible for an alleged policy violation.
Investigative Report	The final report issued at the conclusion of an investigation, which includes: Complainant's statement(s), Respondent's statement(s), witness statements, documentary evidence, and threshold record to be used in an evidentiary hearing.
Jurisdiction	Occurs when the circumstances of a complaint are such that CEEO is authorized by UNM policy to investigate or remedy those circumstances or allegations.
Notice of Jurisdiction	A formal notice sent to the parties informing them of an investigation into a matter reported to CEEO. See Section F.3 herein.
Post-Closure or Post-Dismissal 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 address alleged conduct and prevent its recurrence.
Preponderance of the Evidence	The relevant evidence gathered during an administrative investigation demonstrates it is more likely than not that a policy violation occurred.
Protected Class or Status	A trait or association recognized by law or policy as protected against unlawful discrimination. UNM recognizes the following as protected statuses: age, ancestry, color, ethnicity, gender identity, gender, sex, genetic information, medical condition, national origin, physical or mental disability, pregnancy, race, religion, sexual preference, spousal affiliation, immigration status, and veteran status.
Remedies	To be provided to a Complainant when a Respondent is found to have violated UNM policy. Remedies are designed to maintain the Complainant's equal access to education and may include the same individualized services described as supportive measures herein. Remedies for a Complainant are not, however, required to be non-

	disciplinary or non-punitive for the Respondent and need not avoid burdening the Respondent.
Respondent	The person responding to a complaint filed with CEEO, who is alleged to have engaged in discrimination or harassment.
Retaliation	Any action taken 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, filing an external civil rights complaint, or otherwise participating in a civil rights protected activity.
Support Person	A support person is any person of a Complainant or Respondent's choosing who attends CEEO interviews and helps to guide the party through the CEEO process. A support person cannot participate in CEEO interviews; rather, they attend CEEO meetings and receive information provided to the Complainant and Respondent. A support person <b>CANNOT</b> be a potential witness in the CEEO investigation that the Complainant or Respondent is involved in, nor can they be someone in the Respondent's supervisory chain. A support person cannot participate in an evidentiary hearing, if applicable.
Supportive Measures	<p>Non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UNM's educational environment, or deter harassment.</p> <p>Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.</p> <p>UNM will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair UNM's ability to provide the supportive measures.</p> <p>The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.</p>
Third-Party Report	A report filed by someone other than the party affected by civil rights violations, including a responsible employee, witness, or other individuals with knowledge or information regarding potential civil rights violations.
Title IX	Title IX of the Education Amendments of 1972 prohibits discrimination based on sex or gender in any educational program or activity receiving federal financial assistance. Title IX violations include: sex/gender, sexual orientation, gender identity and expression discrimination, sexual harassment, stalking, dating violence, domestic violence, and intimate partner violence, or any other form of sexual violence.
Unaffiliated	When a party is referred to as "unaffiliated," it means that they do not have a direct relationship to UNM as a student, faculty, staff member, or contractor.
Union Representative	A union representative is a person from a party's employment/labor union who may attend CEEO interviews and help guide the party through the CEEO process. A union

	representative cannot participate in CEEO interviews; rather, they act as a second set of eyes and ears for the party.
VAWA	The Violence Against Women Act (VAWA), a federal law, originally passed in 1994 and reauthorized several times by Congress, most recently in 2022.
Witness	Any person who may have knowledge of or evidence relevant to an investigation or complaint.

## ADMINISTRATIVE HEARING PROCEDURES: ALLEGATIONS OF VIOLATIONS OF UNIVERSITY ADMINISTRATIVE POLICIES<sup>1</sup>

### 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 CEEO Grievance Procedure (“CGP”) issued by the Office of Compliance, Ethics, & Equal Opportunity (“CEEEO”) and performed by the UNM Hearing Office for alleged violations of the University’s Administrative Policies (“UAP”) 2310, 2720, 2740, 2745, 2760, and/or 3110. This procedure may be incorporated in another procedure by reference. The Administrative Hearing Procedures (“AHP”) set forth addresses alleged violations of UAP on or after August 1, 2024. All sex based discrimination matters concerning alleged violations of UAP before August 1, 2024, will follow the [AHP revised April 2023](#).

#### 1.2 General Provisions

**1.2.1 Timeframe.** The Hearing Office shall, in most cases, issue a Final Determination regarding alleged violations of UAP within 45 days of receipt of a complete investigative file from the CEEEO. In some cases, such as those involving several Parties and Advisors, extensive evidence, and/or outstanding issues in materials provided to the Hearing Office, the timeframe may be delayed.

**1.2.2 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.

**1.2.3 Decisionmaker Training.** The Hearing Officer shall be required to complete specific training prior to conducting a hearing. Such training will be prescribed by federal and state law, CEEEO, the Title IX Coordinator, University policy, procedure, or

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<sup>1</sup> These procedures do not apply to alleged violations of UAP 3215.

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.

**1.2.4 Sanctioner Training.** In matters alleging sex-based discrimination, including sexual misconduct in violation of UAP 2740 or 2760, 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 CEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President.

**1.2.4.1 Withdrawing a Complaint.** Once the Hearing Office has received the investigative file from CEEO, a Complainant must follow the withdrawal process set forth in the CGP. In the event CEEO permits withdrawal of the Complaint, CEEO maintains the discretion to carry out another process option and move forward without the Complainant.

### **1.3 Definitions.**

**ADA Coordinator:** The individual(s) designated to coordinate University compliance with the Americans with Disabilities Act and related laws. See UAP 2310 and 3110.

**Administrative Hearing Determination:** Written decision, including an analysis of the evidence, of the Hearing Officer's determination of whether a policy was violated 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 guide the Party through the Hearing Process and question the Party and Party's witnesses through Direct-Examination at the hearing. An Advisor may assist a Party as permitted by Articles 2.1, 2.2 and 2.3 below. There are three types of Advisors:

- 1) Private Advisor: any individual a Party personally selects to serve as their Advisor;
- 2) UNM Advisor: Upon the request of a Party, an individual designated by UNM to serve as their Advisor.
- 3) Attorney Advisor: an attorney engaged by a Party to serve as the Party's Advisor.

**CEEEO:** The UNM Office of Compliance, Ethics and Equal Opportunity. CEEEO investigates claims of discrimination or related misconduct. It provides oversight of the University's



compliance with federal and state equal opportunity and affirmative action statutes and regulations, including Title II, Title VI, Title VII, Title IX, the Clery Act, and the Americans with Disabilities Act (“ADA”). Refer to <https://ceeo.unm.edu> for more information regarding CEEO.

**Complainant:** The person(s) identified as being the target of alleged discrimination or harassment pursuant to UAP 2720, 2740, 2745, 2760, and/or 3110 in accordance with the CGP.

**Consolidated Complaints:** A matter involving several complaints against a Respondent by more than one Complainant that arises out of the same set of facts or circumstances and that is consolidated into one investigation.

**Cross-Claims:** A matter where parties each have a claim against the other that arises out of the same set of facts or circumstances and is consolidated into one investigation.

**Cross-Examination:** Questioning of a Party or witness at a live hearing by the Hearing Officer to challenge or clarify testimony or other evidence. Cross-Examination questions are developed by Advisors and their respective Parties and submitted to the Hearing Officer in advance of the live hearing. Additional cross-examination questions may arise from evidence presented during the live hearing and considered by the Hearing Officer. In all situations, the Hearing Officer retains sole discretion regarding the relevancy and inclusion of any question and may ask additional questions at will.

**Departmental Investigation:** Matters where there are multiple complaints against a Respondent that do not arise from the same set of facts or circumstances and may be sufficient to indicate a pattern of acts that, in the aggregate, may violate UNM policy.

**Direct-Examination:** Questioning of a witness at a live hearing by an Advisor to introduce evidence and/or clarify existing evidence. Direct-Examination questions are developed by Advisors and their respective Parties. Direct-Examination questions are not submitted to the Hearing Officer in advance of the live hearing, but the Hearing Officer retains sole discretion regarding the relevancy of any question.

**CEEEO Grievance Procedure (“CGP”):** The procedures followed by the CEEEO when processing reports alleging violations of certain UNM policies. The CGP may be found at: <https://oeo.unm.edu/forms/pdf/oeo-CGP.pdf>.

**Closing Statement:** An optional verbal and/or written statement by a Party composed of arguments regarding the evidence presented. A verbal statement may be made at the conclusion of evidence presented at the live hearing. A written statement may be individually submitted by a Party to the Hearing Officer within the time allotted after the live hearing. A Party’s written statement is not reviewed by the opposing Party. While the statement is an opportunity for a Party to present arguments regarding evidence already in the record, and may be considered by the Hearing Officer in deciding the outcome of a case,

it is not itself considered evidence. This means that new information introduced in the statement will not be given any weight by the Hearing Officer.

**Complaint:** An allegation or set of allegations that triggers the investigative procedure set forth in the CGP. See the CGP for more information regarding Complaints.

**Hearing Coordinator:** The hearing facilitator who provides additional administrative assistance to the Hearing Officer. The Hearing Coordinator has no decision-making authority regarding the issues to be decided at the hearing or the outcome thereof.

**Hearing Officer:** The individual responsible for conducting a live hearing, cross-examining witnesses, evaluating evidence, and issuing a subsequent determination regarding alleged violations of UAP.

**Investigative File:** The file produced at the conclusion of an investigation conducted by CEEO, which includes: the Investigative Report, Complainant's statement(s), Respondent's statement(s), witness statements, and relevant evidence. This file serves as the record to be used in the administrative hearing should no additional evidence be presented in the form of Party or witness testimony or new evidence.

**Impact Statement:** A written statement by either Party, provided to the Hearing Officer within five (5) business days of a live hearing's conclusion. The statement is not reviewed by the Hearing Officer. In the event of an adjudication of responsibility, the statement is sent by the Hearing Office to the Sanctioner for their consideration in determining the sanction. 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 reasonably available to CEEO, or not in existence at the time of the CEEO investigation, presented to the Hearing Officer for consideration in advance of the Pre-Hearing Conference. With respect to an appeal of an Administrative Hearing Determination, the definition of new evidence in the CEEO Grievance Procedure is applicable.

**Opening Statement:** An optional verbal statement by a Party made at a live hearing prior to the presentation of evidence, outlining the Party's expectations of what evidence will be introduced and what the evidence will show. The Opening Statement is not considered evidence.

**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, regarding the format of the live hearing,

evidence, and proposed witnesses. Ordinarily, one Pre-Hearing Conference is held with all Parties and Advisors for a case in attendance. However, the Hearing Office will facilitate separate Pre-Hearing Conferences with each Party and their Advisor upon request.

**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 violations of UAP 2740 or 2760, 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 CGP. 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, 2745, 2760, 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 or misconduct, consultation with the Title IX Coordinator or designee also is required.

For Students: The UNM Dean of Students. In cases of sex discrimination or misconduct, 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 or misconduct, consultation with the Title IX Coordinator or designee is also required.

**Support Persons:** Individuals designated by a Party as a support person 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 or someone in a Party's supervisory chain if the Party is a University employee.

**Title IX Coordinator:** The individual(s) designated to coordinate University compliance with Title IX and related laws.

**Witness:** Any person who may have knowledge of the evidence in an investigation , including but not limited to the Complainant and Respondent. For inclusion on the list of possible witnesses a party may call at the live hearing to testify, the witness must have participated or been contacted during CEEO’s investigation of the alleged incident(s). However, a party may petition for inclusion of an unknown or unlisted witness with the Hearing Officer at the Pre-Hearing Conference. Inclusion or exclusion of any witness is at the Hearing Officer’s discretion.

## **ARTICLE 2: ROLES AND RESPONSIBILITIES**

**2.1 Advisors, Generally.** The role of *any* Advisor is to conduct Direct Examination of their Party, should the Party choose to testify, and their Party’s witnesses.

An Advisor may appear and conduct Direct Examination even when the Party whom they are advising does not attend the hearing, so long as there has been some communication between the Advisor and their Party to select witnesses and prepare the Direct Examination. 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 witnesses or Direct 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 a Party, 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 have been 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.

**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 Cross-Examines a 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 must designate an Advisor and at their discretion, submit to the Hearing Coordinator information not previously considered by the investigator prior to the Pre-Hearing Conference. Additionally, the Party and their Advisor should prepare an Opening Statement, Direct and Cross-Examination questions, and a Closing Statement. A Party may testify on their own behalf. Close communication with the Advisor throughout the process is essential.

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. PREHEARING 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 their Advisors, if available, 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 their Advisors or separate Pre-Hearing Conferences for each Party and their Advisor. The Hearing Office facilitates separate Pre-Hearing Conferences upon request, which may be sent via email prior to the scheduled Pre-Hearing Conference.

**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, pursuant to University Administrative Policy 3110, 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.

- **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.

- **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 Designated Advisor.
- **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 the CGP, upon completion of the Investigative Report, CEEO will submit the Investigative File 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 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.
- That a Preponderance of the Evidence standard will be applied by the Hearing Officer;
- The time and date of the hearing and whether the hearing will be in person or conducted via a virtual platform;
- Any technology that will be used to facilitate the hearing;
- A list of all those identified by the Parties who will attend the hearing, if known;
- Information regarding how the hearing will be recorded and how the Parties may access the recording after the hearing;
- A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. No inference will be drawn from the absence of a Party or witness;
- Notification that the Parties may have the assistance of an Advisor at the hearing and will be required to have one present to conduct Direct-Examination;
- Notification that if a Party does not secure an Advisor of their choice, the University will designate one free of charge;
- A copy of the Investigative Report created by CEEO.
- 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, 2745, 2760, or 3110 by an employee Respondent whose alleged conduct arises out of the same facts and circumstances as set forth in the Investigative Report.
- 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.
- A statement that individuals not designated by the Hearing Officer or these procedures are prohibited from recording the hearing.

## ARTICLE 4. HEARINGS

**4.1 Hearings, Generally & Recordings.** All hearings shall be closed to the public, persons who are not participants, and the media. Unless designated by the Hearing Officer,

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hearings may not be recorded by any person or means. If any participant is found to be recording the hearing, they 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 person alleged to have violated these procedures may be subject to disciplinary action under the UNM policies applicable to each participant.

**4.1.1 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 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.

**4.1.2 Delays.** A Party may request a delay in the hearing for good cause as described in Article 1.2.1. Requests for a delay must be sent to the Hearing Coordinator for consideration at least five (5) days prior to the hearing, unless the absence is the result of an emergency or unforeseen medical condition. The Hearing Officer has the sole discretion to allow an extension of time. The Hearing Officer shall consider the reason for absence, scheduling conflict or other reason for a delay, length of proposed delay, the time until the hearing date, and the prejudice to the other Party. The Hearing Officer shall include the rationale for granting or denying a request for a delay in the Administrative Hearing Determination.

**4.1.3 Advisor Designation.** Each Party must have an Advisor for the purpose of conducting Direct-Examination of their Party (should they choose to testify) and the Party's witnesses. A Party may designate a person to serve as their Advisor or may request a University-designated Advisor at no cost by contacting the Hearing Coordinator.

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-designated Advisor without first selecting an Advisor of the Party's choice.

**4.2 Opening and 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.

**4.3 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 4.5 below), but UNM Administrative Hearings are not governed by state or federal Rules of Evidence.

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.

**4.3.1 Cross-Examination Questions.** Potential Cross-Examination questions for the opposing Party and their witnesses must be submitted, via email, in one attachment, by the respective Advisor with their Party copied on the message. Parties should not include the opposing Party and Advisor in this email. Questions must be submitted at least two (2) business days before the live hearing. The Hearing Officer retains sole discretion over what Cross-Examination questions are asked during the live hearing.

A witness's live testimony may raise new Cross-Examination questions from the opposing Party. Accordingly, the Hearing Officer will allow for brief follow-up Cross-Examination, conducted by the Hearing Officer, after initial questioning is complete. As needed, the Hearing Officer will facilitate a brief recess for the Party and Advisor to develop and submit new Cross-Examination questions arising from a witness's live testimony.

**4.4 Determination of a Question as Relevant.** Before a Party or witness responds to a question on Direct-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. Questions submitted for Cross-Examination will be reviewed for relevancy by the Hearing Officer separately.

**4.5 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;
- Information protected by a legally recognized privilege (i.e., attorney-client privilege);
- Duplicative or cumulative evidence;
- A Party's FERPA-protected education records unless the Party gives written consent;
- A Party's HIPAA-protected treatment records unless the Party gives written consent;
- Information that is not related to the matter which is the subject of the hearing.

The Hearing Officer shall not have the authority to overrule or supersede the confidentiality protections provided by law or under a legally-recognized privilege.

**4.6 Order of Evidence.** Pursuant to Article 4.3, 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:

- Testify on their own behalf and to have witnesses testify on a Party's behalf;
- Via their Advisor, conduct Direct-Examination;
- Provide follow-up testimony and via their Advisor, conduct follow-up Direct Examination.

The Hearing Officer also may ask questions of the Parties and their witnesses any time during the hearing.

**4.7 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 testify on their own behalf. 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.

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.

**4.8 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:

1. Questions must be conveyed in a neutral tone;
2. Parties, Advisors and witnesses will refer to all hearing participants using the name and gender used by the person and shall not intentionally misname, deadname, or misgender any person in communication or questioning;
3. 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;
4. Advisors may not yell, scream, badger, or physically “lean in” when questioning a witness;
5. 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;
6. 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.

**4.8.1 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.

**4.9 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 Proceedings.** The Hearing Coordinator shall make a digital audio recording of all proceedings. The Parties may request a copy of records 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.

Records shall consist of the digital recordings of all proceedings 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 Closing and Impact Statements.** After hearing the evidence, the Parties have the option of submitting to the Hearing Officer (a) written Closing Statement 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 Closing or Impact Statements to the Hearing Coordinator no later than five (5) business days following the final closing of the hearing. The Hearing Officer has discretion to allow additional time for written Closing 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:

- The names of the parties, their role in the investigation, and the associated investigation number.
- The policies implicated;
- A brief statement indicating whether or not a policy violation was found;
- A brief procedural history;
- In the event an advisor was excused from the hearing, the reasons for excusal;

- 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;
  - If the hearing was delayed, the reason for the delay and rationale for rescheduling it;
  - A statement of the procedures applied to the hearing, including the burden of proof standard;
  - 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;
  - A list of witnesses who testified at the hearing;
  - An analysis of each alleged policy violation consistent with the University's Analysis of Claims, and the evidence relied upon by the Hearing Officer, including the following considerations, as applicable: the weight given to a particular statement or piece of evidence; any power differential that exists between the parties; the ability of a Party to affirmatively consent to alleged conduct, consistent with UAP 2740; the credibility of Parties and/or witnesses;
  - 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;
  - Sanctions, if any, determined by the sanctioning authority.<sup>2</sup>
  - Statement indicating how and when an appeal may be taken.
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- **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. The Sanctioner is provided with a copy of the Administrative Hearing Determination, and on a case-by-case basis, may be provided additional documentation upon request. The Sanctioner 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.<sup>3</sup>
- 5.5 Remedies.** Upon a finding that the Respondent is responsible for a policy violation, CEEO or the Title IX Coordinator may provide Remedies to Complainant in adjudications involving UAP 2740 and 2760.

## 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

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<sup>2</sup> Sanctions for faculty Respondents found responsible for violating UAP 2720 and/or 3110, unless such allegations concern the Violence Against Women Act, are issued separately pursuant to the UNM Faculty Handbook or CBA.

<sup>3</sup> See above.

Determination and the policy, procedure, or order authorizing the appeal. In cases where a sanction is issued separately, and after, the issuance of an Administrative Hearing Determination, the appeal may be filed after receipt of the sanction.



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