2016 ANNUAL SAFETY FIRE AND SECURITY REPORT

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Purpose of the Annual Security and Fire Safety Report (ASFSR):

The Clery Act requires all colleges and universities across the country to publish an annual safety report, which informs their respective campus community of certain safety policies/programs, crime prevention taken by the university and to publish the campuses Clery reportable crime statistics for the past three years. This is done to inform the entire University of New Mexico (UNM) Community including current and prospective faculty, staff and students of what safety features UNM has to offer and what Clery Crime Statistics have been reported at UNM. The Annual Security and Fire Safety Report (ASFSR) is published and distributed by UNM via e-mail to all current faculty, staff and students each year, as part of the requirements of the Clery Act. The ASFSR can also be found on the UNM Main Web Page, via the Campus safety link: http://campussafety.unm.edu/. The ASFSR is also available in print form from the Office of Equal Opportunity 609 Buena Vista NE, Albuquerque, NM 87131, upon request.

Preparing the ASFSR:

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

- A review of applicable policies that are required as part of the ASFSR;
- An inventory of crime prevention and educational programming efforts that are offered by the UNM for the campus community;
- A review of the reporting avenues for the UNM Community to report crimes to at UNM.
- A reconciliation and review of the Crime and Fire Statistics that are required to be entered as part of the ASFSR;
- Additionally, the Clery Act Compliance Officer will keep updated with any new initiatives or compliance information to be placed in the ASFSR, as stated by the Department of Education.

Compiling Crime Statistics and Crime Reporting

The Crime Statistics that are included in this report are reported through one of the following areas:

- UNMPD
- Campus Security Authorities (CSAs) who handle the majority of conduct referrals at UNM which include the UNM Hospital Security, UNM Residence Halls, ACC Properties and the Dean of Students Office)
- Campus Surveys sent to all CSAs and law enforcement officials (according to UNM’s Clery Geography), as determined by the Clery Act Compliance Officer, UNMPD and the Clery Committee. CSAs generally would include the following:
  - Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
• Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

• An official of an institution who has significant responsibility for student and campus activities, such as:
  - Dean of Students;
  - Director of Athletics, a team coach or a faculty advisor to a student group;
  - A student resident advisor or a professional staff member in the UNM Residence Halls;
  - A Coordinator of Greek Life of Student Activities Coordinators.

The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many people, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

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

**Who should UNM Community Members specifically report Clery Crimes to:**

UNM encourages faculty, staff and students who are the victim of, or witness to, any crime on the UNM Campus to accurately and promptly report incidents to:

- UNMPD (505-277-2241) – All members of the UNM Community including faculty, staff, students and visitors can report crimes to the UNMPD.
- UNM Hospital Security (505-272-2160) - All members of the UNM Community including faculty, staff, students and visitors can report crimes to the UNM Hospital Security.
- Office of Equal Opportunity (OEO) (505-277-5251) - All members of the UNM Community including faculty, staff, students and visitors can report hate crimes, sexual misconduct, stalking, domestic violence, dating violence and other discrimination based incidents to any professional staff member with OEO.
- Dean of Students Office (505-277-3361) All members of the UNM Community including faculty, staff, students and visitors can report crimes to the Student Conduct Officer or Dean of Students.
- Student Activities Coordinators (SAC) (505-277-4706) – Students can report crimes to a professional staff member with the UNM Greek Life Office, to the Director of SAC or Assistant Director of SAC
- Athletics – Student Athletes can report crimes to any of their coaches
- UNM Residence Halls – Students can report crimes to your Residence Advisor (RA) or to any member of the Residence Life Professional Staff
- American Campus Community (ACC) Properties – Students can report crimes to a Residence Advisor (RA) or to any member of the ACC Professional Staff
- Faculty/Staff Advisor of a Student Group – Students can report crimes to their faculty advisor to their student group.
- Global Education Office or National Student Exchange Office – Students can report crimes to their exchange advisor or coordinator.

**Anonymous and Confidential Reporting Places:**
- **Student Health and Counseling (SHAC)** - Professional counselors with UNM’s SHAC are not CSAs, so that crime reports made to counselors by UNM Students are not disclosed by the counselor to the UNMPD for inclusion in the annual disclosure of crime statistics. As a matter of policy, professional counselors with SHAC, are encouraged, if and when they deem it appropriate, to inform students being counseled of the procedures for reporting crimes to law enforcement or for reporting crimes voluntarily and confidentially to a campus security authority office or to the Office of Equal Opportunity (OEO).

- **Counseling and Referral Services (CARS)** – Professional counselors with UNM’s CARS are not CSAs, so that crime reports made to counselors by staff or faculty are not disclosed to the UNMPD for inclusion in the annual disclosure of crime statistics.

**Anonymous/Statistical Reporting Only Sites:**

- **LoboRespect Advocacy Center, the LGBTQ Resource Center and the Women’s Resource Center (WRC)** – These centers are designated advocacy and support sites for those students who have experienced all types of crimes or violence including sexual misconduct. Students who utilize these centers may talk with anonymity to individuals employed at these centers. However, these centers will report the nature, date of report and general location of the incident to the Clery Compliance Officer in the Office of Equal Opportunity.

**Not Reporting Crimes:**

- Victims of crimes have the right not to report crimes to the local authorities or other departments, however UNM encourages all victims of crimes to accurately and promptly report the incident to one of the Advocacy Centers or to either SHAC if you are a student or to CARS if you are an employee of UNM. We encourage the UNM Community to reach out to one of these areas, so that you can get the assistance you need, find out about the UNM Resources and to understand more about the investigative process, should you elect to have the incident investigated.

**Crimes that must be reported are:**

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Liquor Law Arrests
- Liquor Law Referrals for Disciplinary Action
- Drug Law Arrests
- Drug Law Referrals for Disciplinary Action
- Weapons Violations
- Dating Violence
- Domestic Violence
- Stalking
All Hate Crimes noted by category of bias (race, gender identity, religion, sexual orientation, ethnicity, national origin or disability), which include the following:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny – Theft
- Simple Assault
- Intimidation
- Destruction, Damage or Vandalism to Property

**Reporting to the UNM Police Department**

The UNMPD is here to protect you and offers numerous services to ensure your safety.

The UNMPD is open 24 hours a day, 365 days a year to respond to your needs. All UNMPD officers are required to meet state certification standards mandated by the New Mexico Department of Public Safety. UNMPD officers are commissioned by the UNM Board of Regents (Section 29-5-2 NMSA 1978). They have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances and campus traffic regulations, and the authority to arrest. Officers are also cross-commissioned county-wide by the Bernalillo County Sheriff. Commissioned county-wide means that UNMPD officers have jurisdiction in both on and off campus and throughout the entire Bernalillo County area, however UNMPD and APD have an agreement that the UNMPD patrol all UNM leased or owned property on Main, North or South Campus, while Albuquerque Police Department (APD) patrols other areas outside of the UNM Campus. The UNMPD has interoperable radio communications and can talk to police, fire and UNM Hospital during emergency situations.

The UNMPD investigates complaints of on-campus criminal activity, working closely with the Second Judicial District Attorney’s Office to ensure effective prosecution. UNMPD is cross commissioned within Bernalillo County and enforce state laws and regulations in the fraternity/sorority and student housing areas. Also, the UNMPD has written agreements with the APD and the Rio Rancho Police Department concerning law enforcement and criminal investigations on city and state property. New Mexico State
Police already has jurisdiction to enforce State Laws within the entire state of NM, which includes the UNM.

In an emergency you may dial 911 or 505-277-2241. The 911 system automatically traces the location of all calls, which enables officers to respond even when a caller cannot provide the location. When you dial 911 from a campus telephone, your call will be received by the UNMPD. If you use a cell phone to dial 911, the call will be received by APD, but will be transferred back to UNMPD if you have an on campus emergency. Outside of the Albuquerque metro area, you will reach the appropriate law enforcement agency where the 911 system is utilized.

Special telephones providing emergency services for the deaf are placed at various locations on the UNM campus. The University Police Department is equipped with a Telephone Device for the Deaf (TDD), (505) 277-0888 for 24-hour service.

Emergency telephones, which are direct lines to the Police Dispatch Center, are located throughout the UNM campus. You may use the emergency telephone by pressing the button. The Police Dispatcher will answer the telephone promptly, and you will be able to relate the nature of your emergency. Also, a blue light over the telephone will flash for the duration of the call to assist emergency personnel in locating the caller. We ask that you call (505) 277-2241 to report non-emergencies. Emergency telephones will not enable you to make calls other than directly to the Police Dispatcher as an EMERGENCY.

UNMPD encourage faculty, staff and students who are the victim of, or witness to, any crime on the UNM Campus to accurately and promptly report the incident to the UNMPD by calling 505-277-2241. Crimes committed off the UNM Campus should be reported to the appropriate police agency (Albuquerque Police Department, Bernalillo County Sheriff’s Department, etc.). Under New Mexico law, the original entry police report must be made available for review upon request by a member of the public. Supplemental police reports detailing the investigation, and including the names of the accused, and witnesses are not available for public inspection during the course of the police investigation. Following the closure of the police investigation, the UNMPD Department maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

When the victim or witness of a crime elects to not file a police report or is unable to make such a report to the UNMPD, but wants it included as a statistic in the ASFSR may make a report to one of the CSAs mentioned earlier or by using the UNMPD's Anonymous Tip or Incident Form https://police.unm.edu/default.aspx?MenuItemID=155&MenuGroup=Public+Home

**Off Campus Students and Student Organization Reporting of Crimes**

There are a number of recognized student groups at UNM. At some point during the year, virtually all of the recognized student groups hold some type of meeting or event at an off-campus venue. Off-campus law enforcement, should it be needed, would fall to the police agency that has primary jurisdiction. In most cases, this would be the Albuquerque Police Department.

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

UNMPD routinely work and communicate with the APD, the Bernalillo County Sheriff’s Office, the RRPD, the Albuquerque Aviation Police Department, the New Mexico State Police, and a variety of
federal agencies, both on-campus and in areas within close proximity to the campus. In fact, multiple police agencies routinely work large scale special events, such as football games, on campus.

UNM does not operate off-campus housing or off-campus student organization facilities. Many UNM students live in off-campus apartments that are within close proximity to the campus. APD has primary jurisdiction in these areas. UNMPD responds to incidents that are close to the campus when requested to do so by the APD.

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**Emergency Notification Processes**

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**Clery Emergency and Timely Warning Notifications**

UNM is required, as appropriate, to issue Emergency Notifications (Alerts) or Timely Warnings (Advisories) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act). For more information, see [UAP 2745 ("Clery Act Compliance")](#).

**Emergency Notification (Alert)**

Emergency Notifications (Alerts) notify the campus community of any significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. If the UNMPD determines and verifies that a situation is an immediate threat to the health and safety of student or employees, it will notify the Executive Vice President for Administration (or designee). The Chief of Police and the Executive Vice President for Administration will without delay decide if an emergency notification and will initiate the alert system for the entire UNM campus. The entire UNM campus will be notified and the content will include safety precautions to take, where the problem exists and what areas to avoid, to keep themselves safe. The UNM Communications Director will notify, as appropriate, the local news media.

The UNMPD provides Emergency Notifications (Alerts) to the campus community via text messaging, email, UNM’s website, and, as appropriate, an audible siren system advising to shelter in place. UNM Branch Campuses and UNM West will have a designated person to activate their emergency notifications, in accordance with their own campus protocols. Emergencies should be reported to the UNMPD by calling 911.

Some examples of Emergency Notifications (Alerts) are:

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

Testing of the Emergency Notification (Alert) process occurs periodically, as follows:
• The UNM siren system, email, text, social media and UNM webpages will be tested once every semester to test functionality.
• UNM will conduct an emergency exercise once every four years using alternating locations across campus, which will include first responders who would typically respond to emergency situations.
• UNM will conduct tabletop exercises of emergency responses every year, with the exception of the year that the live exercise is implemented.
• UNM will evaluate these exercises upon their completion to understand their effectiveness and evaluate the goals of each test.

Timely Warning (Advisory)

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

UNM Branch Campuses and UNM West will have a designated person to activate their timely warning procedures, according to their own campus protocols. UNMPD can provide assistance with the LoboAlerts System as needed.

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

• Involve a Clery Act crime;
• Occur within the Clery Geography, which includes:
  o On-campus (buildings on the Albuquerque Campus);
  o Non-campus (buildings not reasonably contiguous to the Albuquerque Campus, but are leased or owned by the UNM); and,
  o Public property (public property that is immediately adjacent to the Albuquerque Campus);
• Be reported to a campus security authority (see Section 4 of UAP 2745) or local police authority; and,
• Represent a serious or continuing threat to the students and employees on campus.

Ideally, the determination of a “serious or continuing threat” is made between the UNMPD and Clery Act Compliance Officer. However, each has the ability to make that determination unilaterally so as not to cause additional delay.

A Timely Warning (Advisory) might not be issued if it could compromise the apprehension of a suspect.

Emergency and Timely Warning Communication Avenues

UNM will utilize the following avenues to convey Emergency Notifications and/or Timely Warning notices:

• UNM E-Mail Alerts – UNM will utilize the unm.edu e-mail as an avenue to distribute information to all faculty, staff and students regarding emergency information.
• UNM Web Page – UNM will also utilize the UNM Web Page as an avenue to distribute information.
• Lobo Alerts – Is the UNM emergency texting system, where information about Emergencies or Timely Warnings will be distributed. All employees and students are automatically enrolled into this system
• UNM Siren – There are warning sirens placed at strategic places across campus to warn the entire UNM Campus Community of a current or impending emergency situation. Should the siren be activated, UNM Community members should look for further information through Lobo Alerts, UNM E-mail system or the UNM Web Page.

**Security and Access to the UNM Campus:**

We strive to make our campus safe by limiting access to buildings after hours. Classroom and other nonresidential buildings on campus are generally open during regular business hours, when class is in session and for special events. Access to these buildings **afterhours**, is only granted to those with key or card access to the respective building. Persons authorized to remain in the building after closing time are required to have proper identification at all times. Police and security personnel conduct frequent internal and external checks of all buildings on campus.

Entry to Student Family Housing is controlled by coed access through an electronic gate. Security guards are on duty during the evening hours to protect the safety and security of the complex and residents.

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

Resident Advisors are available in each unit to assist students. New residents are briefed on UNM Residence Hall policies, fire safety information and on crime prevention techniques at orientation/floor meeting held for residents at the start of each semester. Further information may be obtained from the Residence Hall Handbook:
UNM is concerned about the safety/security considerations and maintenance of their campus facilities. Each year UNM performs a Safety Walk, where students, faculty and staff members evaluate the lighting and other safety hazards around the UNM Campus. Results of this walk are submitted to the appropriate offices on our campus, so that these offices can work to rectify the issue.

Key UNM personnel, including UNMPD are represented on committees that plan new buildings and the security utilized in the planning of those buildings. The UNM Physical Plant will respond to safety and security hazards, such as broken windows or lighting concerns. To make a service request, UNM faculty, staff or students can make this request by submitting the request to:

https://iservicedesk.unm.edu/home.html

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**UNM Policy and Process Statements:**

**Reporting Sexual Harassment, including Sex Assault, Sexual Misconduct, Interpersonal Violence (Dating Violence, Domestic Violence and Stalking) – All of these types of incidents would fall under Policy 2740, below:**

**Policy 2740: Sexual Violence and Sexual Misconduct**

Title IX of the Education Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex (including gender, sex stereotyping, and gender identity) in federally funded education programs and activities. Sexual harassment, which includes acts of sexual violence and sexual misconduct, is a form of sex discrimination prohibited by Title IX and by the University of New Mexico. This policy on Sexual Violence and Sexual Misconduct applies to any allegation of sexual violence or misconduct made by or against a student, or a UNM staff or faculty member, regardless of where the alleged sexual violence or misconduct occurred. If the circumstances giving rise to the complaint are related to UNM’s programs or activities, this policy may apply regardless of the affiliation of the parties.

Sexual violence and misconduct may be committed by anyone, including a stranger, an acquaintance, a friend, or someone with whom the victim is involved in an intimate or sexual relationship. Individuals who have experienced sexual violence or misconduct are encouraged to report what happened to law enforcement and to seek assistance from any of the Campus Resource Offices or community resources listed in Section 9 of this policy. A report of sexual violence or misconduct will be taken seriously and addressed in accordance with UNM policies and procedures. The University's Title IX Coordinator is Heather Cowan of the Office of Equal Opportunity (OEO), who oversees institutional compliance with Title IX.

This policy includes information for students, staff, and faculty on resources available following an act of sexual violence or misconduct, UNM responses, education, and prevention programs and possible disciplinary sanctions.

1. Reporting Sexual Violence
The University urges any individual who has experienced sexual violence or misconduct, or has knowledge about an incident of sexual violence or misconduct, to make an official report. In order for the University to respond effectively to individuals who have experienced sexual violence or misconduct, all UNM staff and faculty, except as noted in Section 7, who receive information about a person who has experienced sexual violence or misconduct must report the information to OEO within 24 hours, or as soon as reasonably practicable, by calling OEO at (505) 277-5251 or by email at oeounm@unm.edu. See Section 7 for more details, including how you can retain your anonymity when you report.

Figure 1: Reporting Sexual Violence and Misconduct

If you are experiencing an emergency, call 911
If the incident occurred on the UNM campus, contact the UNM Police Department:

• can be called 24 hours a day/365 days a year by call 505-277-2241
• can report online and, if desired, anonymously

• Any student, faculty, or staff member who has experienced sexual violence or misconduct and wants help in notifying law enforcement can contact any Sexual Misconduct and Assault Response Team (SMART) responding office or agency for assistance Sexual Misconduct and Assault Response Team (smart.unm.edu)

• LoboRESPECT Advocacy Center: (505) 277-2911
  o Sexual Assault Nurse Examiner: (505) 884-7263
  o Student Health and Counseling: (505) 277-3136
  o Rape Crisis Center: (505) 266-7711
  o Counseling and Referral Services: (505) 272-6868

For more information on resources available to you, see Section 10 of this policy.

2. Definition of Sexual Violence and Sexual Misconduct

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

Sexual misconduct incorporates a range of behaviors, including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Figure 2: Prohibited Actions

Examples of Prohibited Acts of Sexual Violence and Sexual Misconduct

<table>
<thead>
<tr>
<th>Act</th>
<th>Non-consensual oral sex</th>
<th>Sexual contact/battery</th>
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<tbody>
<tr>
<td>Rape/sexual assault</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual exploitation</td>
<td>Domestic violence</td>
<td>Domestic abuse</td>
</tr>
</tbody>
</table>
Prohibited actions include, but are not limited to:

- Rape/sexual assault: non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.

- Non-consensual oral sex: non-consensual contact between one person’s mouth and the genitals or anus of another person.

- Sexual contact/battery: non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.

- Sexual exploitation: taking sexual advantage of another person without consent, including, without limitation, indecent exposure; voyeurism; non-consensual recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; and/or allowing third parties to observe private sexual acts.

- Domestic violence: under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery, and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent 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 misconduct or domestic abuse is a misdemeanor crime.

- Domestic abuse: under the Family Violence Protection Act, “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. Under the Family Violence Protection Act, “household members” include a spouse, former spouse, parent, present or former stepparent, present or former 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.

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

• Sexual harassment: sexual harassment, a form of sex discrimination, is defined as unwelcome conduct of a sexual nature. There are two typical types of sexual harassment: quid pro quo and hostile environment. UAP 2730 (“Sexual Harassment”) describes the University’s prohibition on all forms of sexual harassment, including sexual violence and sexual misconduct.

For complete definitions of the crimes of sexual assault, domestic violence, dating violence, and stalking under New Mexico law, see “New Mexico Definitions of Violence Against Women Act Crimes” in Section 15 of this policy.

2.1. Jurisdiction

OEO is not a law enforcement agency. As such, while it is charged with investigating allegations of sexual violence and misconduct as provided in this policy, OEO does not enforce criminal statutes. Enforcement of criminal statutes is the sole jurisdiction of law enforcement agencies. Similarly, while it generally has jurisdiction to administratively investigate claims of sexual violence, depending on the allegations made, OEO may not have jurisdiction to investigate alleged sexual misconduct. The information received from an individual will be reviewed and a determination will be made as to whether OEO has jurisdiction over the concerns.

3. Definition of 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 his or her willingness to continue at each progression of the sexual interaction.

Figure 3: Definition of Consent

| Consent:                        | • Affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity  
|                               | • Demonstrated by clear affirmative act or statement by each participant to each sexual act in a sexual interaction  |
| No consent:                    | • No clear act or statement given  
|                               | • Silence, passivity, or lack of response  
|                               | • Participant is asleep, unconscious, or otherwise unaware of what is happening |
Sexual activity will be considered “without consent” if no clear act or statement is given. Consent may not be inferred from silence, passivity or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from his or her partner. Being intoxicated or under the influence of other drugs does not diminish one’s responsibility to obtain consent.

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

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

4. Amnesty from Disciplinary Action for Students

UNM’s primary concern is the safety of students, staff, and faculty. While staff and faculty must report incidents of students experiencing sexual violence or misconduct, except as noted in Section 7, the University strongly encourages all members of the campus community to report instances of sexual violence or misconduct. The University grants amnesty to students who may have violated the Student Code of Conduct’s prohibition on the use or possession of alcohol or drugs at the same time he or she experienced sexual violence or misconduct. Therefore, no drug or alcohol-related charges under the Student Code of Conduct are applied to students who report that they were using drugs or alcohol at the time they experienced sexual violence or misconduct. Depending on the circumstances, the Dean of
Students Office may determine, on a case-by-case basis, that those who witnessed an instance of sexual violence or misconduct and who provide information regarding such instance may be granted the same amnesty. However, students should understand that any violation of state or federal criminal law involving the use or possession of alcohol or illegal drugs may result in prosecution, and UNM cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecution are made by the District Attorney’s Office in the state criminal justice system and by the U.S. Attorney’s Office in the federal criminal justice system.

5. Off-Campus Conduct

Conduct that occurs off-campus can be the subject of a complaint or report and will be evaluated to determine whether it implicates this policy or the Student Code of Conduct. If off-campus sexual violence has continuing effects that create a hostile environment on campus for an individual who has experienced sexual violence or misconduct, the University may take interim measures and depending on the circumstances, will investigate the conduct.

6. Retaliation

It is a violation of Title IX and University policy to retaliate against any person who makes a complaint of sexual violence or misconduct or testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual violence or misconduct. Concerns that a student, staff, or faculty member has threatened to retaliate or has retaliated against another student, staff, or faculty member should be reported promptly to the Office of Equal Opportunity. A staff, faculty member, or student who retaliates against a person who makes a complaint of sexual violence or misconduct, testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual violence or misconduct, or seeks assistance from OEO, may be subject to disciplinary action.

Figure 4: Retaliation

It is a violation of Title IX and University policy to retaliate against any person who makes a complaint or report of sexual violence or sexual misconduct or testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual violence or sexual misconduct.

7. Disclosure of Information

The University encourages individuals who have experienced sexual violence or misconduct to get the support they need and the University can respond appropriately. UNM recognizes that such individuals may want to speak with someone on campus before deciding whether to report the incident to the police or the Office of Equal Opportunity for investigation. Individuals who experience sexual violence or misconduct are strongly encouraged to understand the various reporting requirements of University entities in order to make the best decision for their circumstance. Whether or not anonymity is requested, information about sexual violence and misconduct will be treated confidentially and only be shared on a need-to-know basis, and as authorized under University policy and applicable federal and state law.
As required by the federal Clery Act for statistical purposes, instances of sexual violence and misconduct reported to entities other than those identified below as “No Disclosure Required” must be reported to the UNM Police Department, which is responsible for annually reporting crime statistics to the University community. Such reports to UNM Police Department do not include identities and are only comprised of the nature, date, time, and general location. These reports do not serve as an official police report and do not launch a criminal or administrative investigation; these reports are purely for statistical purposes to meet Clery Act obligations.

For examples of all disclosures listed below, please visit lborespect.unm.edu.

**Figure 5: Disclosure Obligations**

<table>
<thead>
<tr>
<th>IF YOU DISCLOSE TO THE ENTITIES ON THE RIGHT</th>
<th>ENTITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anonymity is maintained and no disclosure is required</td>
<td>ON CAMPUS</td>
</tr>
<tr>
<td></td>
<td>Student Health and Counseling (SHAC) for Students</td>
</tr>
<tr>
<td></td>
<td>Counseling and Referral Services (CARS) for Staff</td>
</tr>
<tr>
<td></td>
<td>Other licensed medical providers</td>
</tr>
</tbody>
</table>

Anonymity is maintained, but an anonymous record is made for statistical reporting only

- **ON CAMPUS**
  - UNM Advocacy centers: LoboRESPECT Advocacy Center, Women’s Resource Center (WRC) and the LBGTQ Resource Center. A full listing can be found at [http://loborespect.unm.edu](http://loborespect.unm.edu).

No anonymity is possible

- All UNM staff and faculty not employed by or associated with the organizations listed or referred to above.

**For more information about disclosure obligations, see below.**

1. **Anonymity/No Disclosure Required: SHAC, CARS, and Off-Campus Resources**

   At UNM, a student who experiences sexual violence or misconduct can speak in complete confidentiality with a licensed counselor or a medical provider at UNM’s Student Health and Counseling (SHAC). SHAC counselors and medical providers do not report any information about an incident to the police or any other University entities. Similarly, UNM staff and faculty may speak confidentially with a licensed counselor at UNM Counseling and Referral Services (CARS) and no information will be disclosed to any entity. Other licensed medical professionals with UNM affiliation who receive information about instances of sexual violence or misconduct while serving in an established practitioner/patient relationship are not required to disclose information. Outside of UNM, the Rape Crisis Center of Central New Mexico and the Sexual Assault Nurse Examiner (SANE) provide their services to victims of sexual violence on a
completely confidential basis. These agencies provide statistical information only to UNM SMART. Additional information about Rape Crisis Center of Central New Mexico, SANE and UNM SMART can be found in this policy, under Section 9 on “Resources Following an Act of Sexual Violence or Sexual Misconduct.”

2. Anonymity/Statistical Reporting Only: Advocacy Centers at UNM
UNM’s LoboRESPECT Advocacy Center and Women’s Resource Center (WRC) are designated as advocacy and support centers for those who have experienced sexual violence or misconduct. UNM may designate other Advocacy Centers on campus from time to time; a complete list of designated Advocacy Centers can be found at http://loborespect.unm.edu. Individuals who have experienced sexual violence or misconduct may talk with these individuals anonymously; however, Advocacy Centers will report the nature, date, time, and general location of the incident to the Office of Equal Opportunity as well as to the UNMPD but will not provide identifying information without written consent from that individual. These reports to OEO and UNMPD do not launch a University investigation. Rather, the purpose of the report is to meet Clery Act Compliance, and to help keep the Title IX Coordinator informed of the general extent and nature of sexual violence and misconduct on and off campus in an effort to track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

3. No Anonymity Possible: All UNM Faculty/Staff Not Previously Identified
Information about alleged sexual violence or misconduct that is shared by an individual with any University faculty or staff not previously identified is required to be reported to the Office of Equal Opportunity by law and UNM Policy. However, it is still the full choice of the individual who has experienced sexual violence or misconduct to make a report with UNM Police Department or to participate in an administrative investigation with OEO. UNM faculty/staff receiving information about cases of sexual violence or misconduct involving students must report within 24 hours or as soon as reasonably possible what they have learned to the Office of Equal Opportunity at 505-277-5251 or emailing oeousnm@unm.edu. Reports made by faculty or staff to OEO will include the nature, date, time, location, as well as the identities of all involved parties. While faculty and staff must report this information to OEO, this information is still considered confidential and will only be shared by OEO with those who have a legitimate need-to-know and as authorized by University policy and applicable federal and state law.

4. Requests for Anonymity Within an Investigation or That No Investigation Occur
Please refer to Section 13 on “Investigation and Disciplinary Procedures” for information about requests for anonymity or that no investigation occur.

8. Rights of the Parties

During OEO’s investigation following a report of sexual violence or misconduct, and prior to a final determination being made, the reporting party (“complainant”) and responding party (“respondent”) have equal rights to be treated with respect, dignity, and sensitivity throughout the process; to information on how the college will protect their confidentiality; and to present evidence or other information they feel relevant to the matter. Once OEO’s investigation is complete and a final determination is made, the complainant and respondent have the equal right to notice of those findings and equal access to appeal those findings as described herein.

Figure 6: Rights of the Parties

| Complainants Shall Be Entitled: | Respondents Shall Be Entitled: |
| To be treated with respect, dignity, and sensitivity throughout the process. | To be treated with respect, dignity, and sensitivity throughout the process. |
| To information on obtaining orders of protection and no contact orders. | To information on how the college will protect the confidentiality of the respondent. |
| To information on how the college will protect the confidentiality of the victim. | To notification of the how to access all available resources (i.e., counseling services, advocacy/support). |
| To notification of available services for mental health, victim advocacy, legal assistance, and other available community resources. | To be informed of the University's sexual violence policies and procedures. |
| To be informed of the University’s sexual violence policies and procedures. | To timely written notice of all alleged violations within the complaint. |
| To written notification about their right to change academic, living, transportation, or work situations even if they do not formally report or participate in the University’s investigatory or disciplinary process. | To a timely and thorough investigation of the allegations. |
| To written notification of a student or employee’s rights and options, regardless of whether the crime took place on campus or off campus. | To participate or decline to participate in the investigation or disciplinary process. However, these processes may still occur and decisions made based on the information available. |
| To a timely and thorough investigation of the allegations. | To the same opportunity as the complainant to have others present at any meeting with University officials for support and/or consultation. |
| To participate or decline to participate in the investigation or disciplinary process. However, these processes may still occur and decisions made based on the information available. | To the same opportunity as the complainant to present and have others present evidence about alleged violations in investigatory and/or disciplinary proceedings. |
| To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (victim is free to share the outcome with anyone). | To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (respondent is free to share the outcome with anyone). |
| To appeal the decision and sanctions determined by the Investigation and/or disciplinary proceedings. | To appeal the decision and sanctions determined by the Investigation and/or disciplinary proceedings. |
| To be protected against retaliation for their involvement in university investigatory proceedings. | To be protected against retaliation for their involvement in university investigatory proceedings. |

For more information regarding the rights of the parties in a Title IX proceeding, see the Student Code of Conduct and Student Grievance Procedure in the UNM Pathfinder.
Following OEO’s investigation, the complainant and respondent have equal rights to seek a discretionary review of OEO’s determination through the Office of the President pursuant to Section 10 of UAP 3220 (“Ombuds/Dispute Resolution Services for Staff”), and/or the Board of Regents pursuant to Regents’ Policy 1.5. Should the Dean of Students Office take action based on the investigation’s findings, both parties will have equal rights to appeal the action pursuant to the Student Grievance Procedure in the UNM Pathfinder. In a grievance of the Dean of Students Office’s decision, both parties will have equal access to the information upon which the findings are based, have an equal opportunity to present evidence and witnesses (subject to the limitations in the statement of complainant’s rights below), and will receive equal notification of the results of the procedure. Both parties also will have the equal right to appeal the results of the grievance of the Dean of Students Office’s decision as provided in the Student Grievance Procedure in the UNM Pathfinder.

9. Resources Following an Act of Sexual Violence or Sexual Misconduct

While UNM encourages an individual who has experienced sexual violence or misconduct to make an official report, whether the person chooses to do so, she or he is urged to seek appropriate help. There are numerous resources for students, staff, and faculty at UNM. Specific resources, either on or off campus for medical treatment, legal evidence collection, obtaining information, support, and counseling, and officially reporting an incident of sexual violence or misconduct are listed below. Each resource can assist a person to access the full range of services available. Students and staff or faculty accused of committing an act of sexual violence or misconduct may obtain confidential and anonymous support and counseling at Student Health and Counseling (SHAC) (for students) and Counseling and Referral Services (CARS) (for staff and faculty).

<table>
<thead>
<tr>
<th>LoboRESPECT Advocacy Center (505) 277-2911</th>
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<tbody>
<tr>
<td>Provides a safe and welcoming environment for students to receive support and advocacy services for a number of areas.</td>
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<thead>
<tr>
<th>Sexual Misconduct and Assault Response Team (SMART)</th>
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<tr>
<td>UNM’s Albuquerque Campus has a Sexual Misconduct and Assault Response Team (SMART). SMART is a victim centered, victim controlled, coordinated response team composed of community and University organizations designed to quickly respond to cases of sexual assault or abuse. Additional information can be found at SMART.unm.edu.</td>
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<thead>
<tr>
<th>Medical and Legal Evidence Collection</th>
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<tbody>
<tr>
<td>Sexual Assault Nurse Examiner (SANE) (505) 884-SANE (7263) 24-hour hotline 24-hour free medical and forensic exams by trained</td>
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<thead>
<tr>
<th>Academic Assistance</th>
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<tbody>
<tr>
<td>Dean of Students Office (505) 277-3361</td>
</tr>
<tr>
<td>Dean of Students Office offers students impacted by sexual violence or misconduct assistance in navigating class issues, processing withdrawals, tuition refund appeals, scholarship and financial aid issues, and related needs aimed at supporting students.</td>
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<table>
<thead>
<tr>
<th>Additional Campus Resources</th>
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<tbody>
<tr>
<td>Office of Residence Life and Student Housing (505) 277-2606</td>
</tr>
<tr>
<td>Addresses misconduct by residence halls students in the residence halls. Works with students who need to make changes in on-campus housing due to an incident of sexual violence or misconduct.</td>
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<tr>
<th>American Campus Community</th>
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<tbody>
<tr>
<td>Lobo Village (505) 925-5575</td>
</tr>
<tr>
<td>Casas del Rio (505) 277-2094</td>
</tr>
<tr>
<td>Owns and manages Lobo Village and Casas del</td>
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</table>
nurses, emergency contraception, treatment for sexually transmitted infection, evidence collection, forensic photography, and follow-up services.

**Medical and Counseling**

**Student Health and Counseling (SHAC)**  
(505) 277-3136 24-hour number  
Counseling, crisis intervention, and comprehensive medical services for eligible UNM students. SHAC can help expedite referrals to SANE for evidence collection.

**Counseling**

**Rape Crisis Center of Central New Mexico**  
(505) 266-7711  
Operates a 24-hour hotline and provides victim advocates and free counseling.

**UNM Counseling and Referral Services (CARS)**  
(505) 272-6868  
Free counseling services for eligible UNM staff, faculty, and their spouses/domestic partners and retirees.

**Law Enforcement**

**UNM Police Department**  
(505) 277-2241

**For emergency on campus, dial 911**  
Specially trained SMART officers will respond to and investigate sex crimes on the UNM campus, and will forward cases to the District Attorney’s Office as appropriate. If the sex crime occurred off-campus, UNM Police Department can assist an individual who has experienced sexual violence or misconduct in contacting the appropriate law enforcement agency to file a report.

**Rio, in consultation with Office of Residence Life and Student Housing.**

**Office of Equal Opportunity**  
(505) 277-5251  
UNM’s Title IX Coordinator is the Director of the Office of Equal Opportunity. OEO investigates allegations of violations of UNM’s policy prohibiting sexual harassment.

**Women’s Resource Center**  
(505) 277-3716  
Offers programs on gender and sexuality issues. Staff also provides support to individuals who have experienced sexual violence or misconduct and provides mental health referrals for UNM students.

**LGBTQ Resource Center**  
(505) 277-5428  
Provides service to UNM students, staff, and faculty of all gender identities and sexual orientations through support, advocacy and safety.

**Manzanita Counseling Center**  
(505) 277-7311  
Manzanita is a counselor training facility affiliated with the Counselor Education Program in the UNM College of Education. Counseling for students, staff, and faculty is provided free of charge by advanced graduate students under the supervision of UNM faculty who are licensed professional counselors. Services are available during the academic year (fall and spring semesters) only.

**Agora Crisis Center**  
(505) 277-3013  
Volunteer trained peer counselors respond to phone calls on a 24/7 hotline and can refer callers to UNM and community resources.

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### 10. Interim Measures

The Dean of Students Office has the authority to implement interim measures which stay in place until the end of any review or appeal process. The Dean of Students Office can impose a “no contact” order, which typically directs the complainant and respondent not to have contact with each other, either in-person or through electronic communication, pending the investigation and resolution of a complaint. The Dean of Students Office can arrange for changes in academic and/or on-campus living situations as
needed. Other interim measures, as appropriate, can be implemented by the Dean of Students Office before the final outcome of the investigation and afterwards as needed.

**Figure 7: Interim Measures**

- The Dean of Students Office can impose a “no contact” order, which typically directs the complainant and respondent not to have contact with each other, either in-person or through electronic communication, pending the investigation and resolution of a complaint.
- The Dean of Students Office can arrange for changes in academic and/or on-campus living situations as needed.

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11. Procedures to Follow if Sexual Violence or Misconduct Happens to You

**If you are in danger, dial 911 for assistance.** If you are on the UNM campus, you will be connected with UNM Police Department. If you are off campus in Albuquerque, you will be connected with the Albuquerque Police Department. You may also want to call a trusted family member or a friend. Seek medical attention. If you have serious injuries, seek emergency medical attention at a hospital. In the Albuquerque area, you can contact SANE (Sexual Assault Nurse Examiners) at (505) 884-7263 for information about receiving a sexual assault examination.

You can also contact the Rape Crisis Center of Central New Mexico at (505) 266-7711 or (888) 881-8282. The Rape Crisis hotline is available 24 hours a day, 7 days a week, and 365 days a year. An advocate from Rape Crisis Center will accompany you to a sexual assault examination at the office of the Sexual Assault Nurse Examiners.

It is important for individuals who have experienced sexual violence or misconduct, in particular sexual assault, to understand the steps to take to preserve evidence for possible use later to support a criminal case. All those who have experienced a crime have the right to report a crime to police at any time, regardless of when it occurred. However, the sooner you file a report of a sexual assault, the better the chances that helpful evidence can be collected to support a criminal case, that you will be able to convey a clear account of what happened, and that police will be able to identify and speak with witnesses.

**Figure 8: Procedures to Follow if Sexual Violence or Misconduct Happens to You**

- It is important for individuals who have experienced sexual violence or misconduct, in particular sexual assault, to understand the steps to take to preserve evidence for possible use later to support a criminal case.
- The sooner you file a report of a sexual assault, the better the chances that helpful evidence can be collected to support a criminal case, that you will be able to convey a clear account of what happened, and that police will be able to identify and speak with witnesses.
- You may file a report of sexual assault and/or receive a sexual assault medical examination immediately and then decide at a later date if you want to pursue filing criminal charges.

The UNM Police Department encourages you to report any act of sexual violence or misconduct that takes place on the UNM campus to UNMPD. Also, as discussed above, if you are a student and you need assistance in reporting to UNMPD, you can get help from the Dean of Students Office or any of the other offices participating in UNM’s Sexual Misconduct and Assault Response Team (SMART).
12. Educational Programs

UNM recognizes the harm caused by sexual violence and misconduct and the need to educate the University community regarding these issues. The University offers the following educational programs:

1. **Women’s Resource Center**  
   (505) 277-3716  
   The Women’s Resource Center offers programs on gender and sexuality issues, including a gendered violence prevention program, women’s peer mentoring program, self-defense and awareness training, and bystander intervention education. Staff also provides support to individuals who have experienced sexual violence or misconduct and provides mental health referrals for UNM students.

2. **Dean of Students Office**  
   (505) 277-3361  
   The Dean of Students Office coordinates new student orientation which includes programs addressing sexuality, relationships, and sexual violence and misconduct issues, including the definition of consent under this Sexual Violence Policy.

3. **Residence Life and Student Housing**  
   (505) 277-2606  
   RLSH coordinates programming for residence halls students, including programs addressing sexuality, relationship, and safety issues. RLSH also administers a Residence Life discipline system which addresses misconduct by residence hall students occurring in the residence halls. Resident Advisors (RAs) are trained in responding to students residing in the residence halls that have experienced sexual violence or misconduct and can assist the student with contacting UNM Police Department and/or the Dean of Students Office to file a report.

4. **UNM Police Department**  
   (505) 277-2241  
   As requested by campus departments, offices, and student, staff, and faculty groups, the UNM Police Department conducts presentations that center on personal safety, including specific training on sexual violence and misconduct prevention.

5. **UNM Office of Equal Opportunity**  
   (505) 277-5251  
   OEO staff offer in-person training for departments on preventing and responding to sexual harassment, including sexual violence and misconduct. OEO also provides online training to all the University community on preventing sexual harassment and University policy.

6. **Student Health and Counseling (SHAC)**  
   Health Education & Prevention Department  
   (505) 277-3716  
   SHAC’s Health Education Department offers workshops and educational programs on sexuality, sexual decision-making and relationships. A Sexual Assault and Abuse Resource Guide is compiled and updated yearly to include current information about campus and community resources that assist individuals who have experienced sexual violence or misconduct.

7. **Office of Student Activities**  
   (505) 277-4706  
   The Office of Student Activities coordinates various programs for UNM’s chartered student organizations, including fraternities and sororities, which address sexuality, relationships, and sexual assault issues.
13. Investigation and Disciplinary Procedures

The University of New Mexico’s Student Code of Conduct and Visitor Code of Conduct, which apply to the Albuquerque campus and all branch campuses, prohibit any form of sexual violence or misconduct. The Student Code of Conduct and Visitor Code of Conduct describe the sanctioning options and procedures that may apply after an investigation pursuant to this section is complete should a finding be made that a student or visitor more likely than not violated this policy. The Student Code of Conduct and Visitor Code of Conduct can be found in the UNM Pathfinder, and are administered by the Dean of Students Office.

Similarly, Regents’ Policy 2.5 (“Sexual Harassment”) and UAP 2730 (“Sexual Harassment”) prohibit all forms of sexual harassment. If, after an investigation pursuant to this section, a finding is made that a staff member violated this policy, disciplinary action may be issued pursuant to UAP 3215 (“Performance Management”). All three policies are administered by the UNM Policy Office.

All forms of sexual harassment are considered violations of the Faculty Handbook Policy C09 (“Respectful Campus”). Under Policy C09, allegations of sexual harassment are processed pursuant to UAP 2730. If, after an investigation pursuant to this section, a finding is made that a faculty member committed any form of sexual harassment, including sexual violence or sexual misconduct, disciplinary action may be issued pursuant to Faculty Handbook Policy C07 (“Faculty Disciplinary Policy”). The Faculty Handbook is administered by the Office of University Secretary.

A student who experiences an act of sexual violence or misconduct committed by another UNM student, staff or faculty member, or a visitor to the University, has the option of filing a complaint with UNM’s Office of Equal Opportunity. OEO is the University office that processes allegations of sexual harassment, sexual violence, and sexual misconduct pursuant to its Discrimination Claims Procedure. While OEO’s Discrimination Claims Procedure includes mediation as an option for resolving discrimination complaints, mediation will not be employed to address a complaint of sexual violence. OEO investigators are trained in investigating allegations of sexual violence and misconduct.

Outside of UNM, the Rape Crisis Center of Central New Mexico and the Sexual Assault Nurse Examiner (SANE) provide their services to individuals who have experienced sexual violence or misconduct on a confidential and anonymous basis. The victim’s identity will not be disclosed to police or to UNM without the victim’s consent. Additional information about the Rape Crisis Center of Central New Mexico and SANE can be found in this policy under Section 9 on “Resources Following an Act of Sexual Violence.”

If an individual reporting to a non-confidential UNM entity (see Section 7) that he or she experienced sexual violence or misconduct (“complainant”) requests that his or her name not be revealed to the alleged perpetrator (“respondent”), or asks the Title IX Coordinator not to investigate the allegations of sexual violence, the complainant will be informed that honoring the request may limit UNM’s ability to fully process the allegations, including pursuing disciplinary action against the respondent. The University’s prohibition against retaliation will also be explained to the complainant. If the complainant still insists that his or her name not be disclosed to the respondent, or continues to ask the University not to investigate the allegations, the Title IX Coordinator will determine whether the University can honor the request while still providing a safe and nondiscriminatory working and learning environment for the complainant and others. The Title IX Coordinator will strive to abide by the complainant’s request.
However, the Title IX Coordinator reserves the right to determine that it is essential to disclose the complainant’s identity and/or to investigate the allegations despite the complainant’s request not to in order for UNM to fulfill its obligations under Title IX. In such cases, the Title IX Coordinator will inform the complainant prior to starting an investigation and will share information only with University officials who are responsible for processing the allegations in the complaint and therefore need to know that information.

In all cases, regardless of a complainant’s request for anonymity, the federal Clery Act requires that disclosure of crimes of sexual violence or misconduct that occur on the UNM campus and on other property the University has control over (as defined under the Clery Act) must be reported for statistical purposes to the UNM Police Department, which is responsible for annually reporting crime statistics to the University community. However, such reports to UNM Police Department are for statistical purposes only and are not required to include the victim’s identity without his or her consent.

If the victim files a complaint with OEO and instructs it to investigate the allegations made, OEO will first make an assessment of whether it has jurisdiction to investigate the allegations made. If OEO does not have jurisdiction to investigate or otherwise process the allegations made, it will refer those issues to the appropriate body, if any. If it does have jurisdiction to investigate, as part of that investigation, OEO will make reasonable attempts to contact the respondent to notify him or her of the allegations made, his or her right to respond to the allegations made and present information he or she deems relevant to the matter, and OEO’s investigation procedure. If OEO is unable to contact the respondent or if the respondent elects not to provide a response to the allegations made or information pertinent to the matter, OEO will make its determination based on the information it is able to gather.

Once a complaint is filed, both the complainant and respondent have equal rights to present evidence to OEO during its investigation. Once its investigation is complete, OEO uses a preponderance of the evidence standard to evaluate the evidence and determine whether an act of sexual violence or misconduct occurred. The “preponderance of the evidence standard” means that, on evaluation of all of the evidence, it is more likely than not that the alleged act of sexual violence or misconduct occurred.

The evidence OEO gathers during its investigation will be maintained by OEO and kept confidential to the extent authorized by law and policy. Should a complainant or respondent appeal OEO’s determination or any sanctions issued by the Dean of Students (as provided below), OEO may be required to release the evidence upon which its determination is based to the appealing party or the entity to which the appeal is made or both.

If, after investigation, OEO finds that it is more likely than not that a student or visitor committed an act of sexual violence or misconduct (a Determination of Probable Cause), OEO will refer the matter to the Dean of Students Office to decide on the sanction to be imposed on the offender. If OEO makes a Determination of Probable Cause that a staff or faculty member committed an act of sexual violence or misconduct in violation of UNM policy, OEO will refer the matter to that individual’s chain of command to take appropriate action, including taking disciplinary action. Misconduct by staff and the imposition of disciplinary action is handled pursuant to UAP Policy 3215 (“Performance Management”), and faculty matters are addressed pursuant to the Faculty Handbook, specifically Policy B5 (“Separation from the University”) and Policy C07 (“Faculty Disciplinary Policy”). Appeals to the University President and the Board of Regents are addressed in Section VI of the Discrimination Claims Procedure. OEO does not make any determinations regarding whether a respondent has committed an act of sexual violence or misconduct in violation of criminal statute. Rather, such determinations are the sole jurisdiction of state and federal police and prosecutorial agencies.
In any disciplinary proceeding held by the Dean of Students Office, both the accuser and the accused are allowed to bring an advisor, including an attorney advisor. However, such advisors are not authorized to speak on behalf of the individual they are advising. Rather, the accuser and accused must present their own case during the proceeding, and advisors’ participation is limited to advising the person they are advising. In addition, both the accuser and accused will be notified in writing of the decision on sanctions to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA), and both parties have the right to appeal the sanctions decision. More information about the disciplinary process used by the Dean of Students Office can be found in the Student Grievance Procedure. Article 4.4 discusses allegations of sexual violence, sexual misconduct, and sexual harassment.

Individuals who have experienced sexual violence or misconduct are encouraged to report the crime to the appropriate law enforcement authority. The Dean of Students Office is available to meet with a student to discuss and help implement interim measures, including academic adjustments, changes in on-campus living situations, issuance of “no contact” orders and other measures as needed. Interim measures may also be provided for staff or faculty who experience sexual violence or misconduct, as directed by the appropriate supervisory authority.

Under the University’s Student Code of Conduct, which applies to the Main Campus and all of the branch campuses, a student who commits a violation of this Code, including an act of sexual violence or misconduct, is subject to the following possible sanctions:

- Verbal warning - means an oral reprimand.
- Written warning - means a written reprimand.
- Disciplinary probation - means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending upon the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars regarding subjects including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
- Suspension - means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon finding of a violation or it may be deferred to a later time.
- Expulsion - means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
- Dismissal - means termination of student employment, either for a stated time period or indefinitely.
- Barred from campus - means being barred from all or designated portions of the University property or activities.

Students living in UNM residence halls are subject to the following possible sanctions for misconduct occurring in the residence halls:

- Housing reassignment - means the transfer of the student from one dorm room to another or one residence hall to another.
- Restricted from entry into specific residence halls, dining hall, commons building, and other UNM housing facilities.
- Contract termination - means the termination of the housing contract either for a stated period of time or indefinitely.
Under the University's Visitor Code of Conduct, which applies to the Albuquerque and all branch campuses, a visitor who commits a violation of this Code, including a sex offense, is subject to the following possible sanctions:

- Verbal Warning - means an oral reprimand.
- Written Warning - means a written reprimand.
- Probation - means the establishment of a time period during which further acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation.
- Removal from campus - means being physically escorted or forcibly removed to a location off property owned or controlled by the University, by University Police Officers or other University agents.
- Barred from campus - means being barred from all or designated portions of University property or activities.
- The sanctions of denial of admission, readmission or employment by the University.
- Additionally or alternatively, any sanction applicable to a student under the Student Code of Conduct may be provisionally applied to a visitor, to be made effective should the visitor ever enroll or re-enroll at the University.

Faculty who are found to be in violation of this policy may be subject to disciplinary action as provided in the Faculty Handbook Policy C07 (“Faculty Disciplinary Policy”). Staff who are found to be in violation of this policy may be subject to disciplinary action as provided in UAP 3215 (“Performance Management”).

Figure 9: Investigation and Disciplinary Action

### Investigation

- OEO reviews report to determine jurisdiction.
- OEO meets with reporting party (referred to as “complainant”) and responding party (referred to as “respondent”) to determine scope of investigation and explain procedure.
- OEO gathers evidence from parties, analyzes to determine if it demonstrates that a violation of University policy more likely than not occurred (referred to as the “preponderance of the evidence” standard).
- OEO issues a Preliminary Letter of Determination (PLOD) finding that there is either probable cause or no probable cause that a violation of University policy occurred.
- Complainant and respondent have two weeks to submit any new information that OEO has not considered or previously seen.
- OEO issues a Final Letter of Determination (FLOD) either upholding the finding in the PLOD or altering it based on new information submitted.

*Either party has two weeks to seek a discretionary review of the FLOD from the Office of the President.*

### Disciplinary Action

- OEO forwards the matter to the Student Conduct Officer and/or Student Conduct Committee at the Dean of Students Office to determine what, if any, sanction to be imposed.
- At either party’s election or when referred by the Student Conduct Officer, Student Conduct Committee will hold a formal hearing regarding discipline imposed or lack thereof.
Student Conduct Committee issues a formal decision on discipline imposed.

Either party has seven working days to appeal certain types of disciplinary action, as provided in the UNM Pathfinder, to the Dean of Students or Vice President of Student Affairs.

15. New Mexico Definitions of Violence Against Women Act Crimes

Stalking – NMSA 1978, § 30-3A-1 et seq., “Harassment and Stalking Act”

“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.

“Stalking” means knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement, or restraint of the individual or another individual. A “pattern of conduct” means two or more acts, on more than one occasion.

“Aggravated stalking” consists of stalking perpetrated by a person:

- who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;
- in violation of a court order setting conditions of release and bond;
- when the person is in possession of a deadly weapon; or
- when the victim is less than sixteen years of age.

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

“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.

“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.

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)

“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 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.

16. Consent
In New Mexico, the absence of consent is not an element of the crime of criminal sexual penetration. What this means that a prosecutor does not have to prove beyond a reasonable doubt that sexual intercourse took place without the victim’s consent in order to convict the defendant of criminal sexual penetration. A defendant can, however, claim as a defense to a charge of criminal sexual penetration that the accuser consented to the sexual act. Consent may be used to negate the element that “force or coercion” was used by the accused. Consent is what is known as an affirmative defense to a charge of criminal sexual penetration because if the accuser consented, the sexual act would not have been unlawful.

The University of New Mexico has adopted a definition of consent in this policy (see Section 3).

Footnotes:

1 The Violence Against Women Act (VAWA) is a federal law originally passed in 1994 and reauthorized several times by Congress, most recently in 2013.

2 Except as required by law and their professional licensure requirements such as reporting imminent danger.

3 Except as required by law and their professional licensure requirements such as reporting imminent danger.

4 Under certain circumstances, the allegations made may indicate that a continuing threat to the general public may be present. Under those circumstances, UNM may be obligated to forward the allegations to the appropriate agency for investigation and/or prosecution

Disciplinary Procedures:

UNM has separate disciplinary procedures for handling cases of misconduct (including, Sexual Harassment, Domestic Violence, Dating Violence and Stalking) for Faculty, Staff, Students and Visitors, which are described in more detail below. UNM will take the appropriate course of action based on the incident in question and will handle this incident in a prompt, fair and impartial manner until the conclusion of the appeals process. The preponderance of evidence standard will be utilized to decide the outcome of all administrative cases against faculty, staff and students. The investigators in the Office of Equal Opportunity, who investigate cases of Sexual Misconduct (including, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking) are trained specifically in investigating Title IX matters.

Supportive measures, including accommodations, are available if the complainant requests them and if they are reasonably available, regardless whether the complainant chooses to report the crime to UNMPD or the local law enforcement or otherwise make a report to the University (OEO or Dean of Students). UNM will also maintain as confidential, any accommodations or supportive measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or supportive measures. As a matter of practice, the advocacy
centers or Office of Equal Opportunity will provide written notification via e-mail to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to parties bringing forward a concern and to respondents, both within and outside the UNM Community.

Through the investigative process and disciplinary process, both the complainant and the respondent have the right to have an advisor of their choice present during any institutional investigative or disciplinary proceeding. During the investigative process and disciplinary process, the complainant and respondent in crimes of violence (including Sexual Violence, Dating Violence, Domestic Violence and Stalking) will be simultaneously notified, in writing, of the following:

- Notification of results of investigation and any disciplinary action
- Notification of appeal rights for both parties
- Notification of any change in results of the decision
- Notification of when the results of the investigation and any disciplinary action are final
- Notification to the next of kin, should the complainant be deceased due to result of such incident

**FACULTY DISCIPLINARY PROCESS**

Faculty who are found to be in violation of this policy may be subject to disciplinary action as provided in the Faculty Handbook Policy C07 (“Faculty Disciplinary Policy”), which states:

1. The University encourages a supportive problem-solving approach to workplace problems, but the University recognizes that misconduct may require disciplinary action. The University normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension without pay or discharge pursuant to Faculty Handbook policies may be appropriate.

2. Any member of the faculty, including any serving as an academic administrator, who violates a published University policy may be subject to warning, censure, suspension without pay, or dismissal. Teaching or research assistants in their faculty capacity are considered faculty members for purposes of this Policy.

   a) "Warning" means an oral reprimand or expression of disapproval.

   b) "Censure" means a written reprimand or expression of disapproval, which should include an explanation of the nature of the misconduct, and the specific action to be taken by the faculty member and/or chair to correct the problem, including mentoring, if appropriate, and a statement that further disciplinary action could occur should the problem persists.

   c) "Suspension without pay" means disciplinary suspension without regular salary for a stated period of time.

   d) "Dismissal" means termination of employment (see Faculty Handbook Sections B.5.3, B.6.4.3, and B.5.4).
3. The procedures specified in this Policy provide for the consideration and determination of proposed disciplinary actions against faculty members short of dismissal. Consideration and determination of disciplinary actions that may result in a proposed dismissal of a tenured faculty member, or dismissal of an untenured faculty member prior to expiration of his or her contract term, are governed by sections B.5.3, B.6.4.3, or B.5.4, respectively, of the Faculty Handbook and are not covered by these procedures. However, cases in which faculty dismissal has been considered pursuant to sections B.5.3, B.6.4.3, or B.5.4, and a lesser sanction is ultimately proposed instead by the administration, shall be handled under this policy, without duplicating steps that have already taken place. In particular, if the chair and dean conclude that suspension without pay is appropriate in a case in which dismissal was considered but rejected, the faculty member is entitled to request a peer hearing as provided below in sections 10 and 11.

4. In the case of allegations against a faculty member that appear to be within the scope of another specific University policy that has its own procedures for investigation and resolution (including but not limited to allegations of research misconduct, discrimination, or sexual harassment), the chair or dean shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy. If such a process requires the chair to make a disciplinary determination after an investigation and recommendation from another University body, this policy will be followed in determining the appropriate discipline. If the other procedure involved a hearing before a faculty committee, any factual determinations will not be subject to reconsideration by faculty peer review under this policy.

5. References to the department chair in this policy also include the program director or associate or vice dean in a non-departmentalized school or college. If allegations are made against a department chair or other administrator, the next higher academic authority shall perform the functions assigned in this Policy to the chair, and the provisions shall be modified as appropriate. Any individual(s) bringing an allegation of faculty misconduct to the chair's attention is protected by, and subject to, the University's policy on reporting misconduct (UBPPM section 2200, Whistleblower Protection and Reporting Suspected Misconduct and Retaliation).

6. In all cases other than those set forth in paragraphs 3 and 4 above, if a member of the faculty is alleged to have violated a policy of the University, the department chair shall provide the faculty member a written notice explaining the nature and specific content of the alleged violation, together with a copy of this policy, and shall discuss the alleged violation with the faculty member. The written notice shall be given to the faculty member within ninety (90) days of the chair learning of the apparent violation of policy. The faculty member may be accompanied by one person in meeting with the chair. The faculty member and the chair shall notify each other at least two working days prior to the scheduled meeting who, if anyone, will be accompanying them at the meeting. The chair should issue a written report within five (5) working days after the meeting summarizing the discussion with the faculty member, keep a copy in the faculty member's file, and send a signed copy to the faculty member. Before, during or after the meeting, the chair may ask the faculty member to respond in writing to the notice and present any relevant written material within a reasonable time specified by the chair. Likewise, the faculty member shall be free to submit any materials reasonably desired on his/her own volition, no later than five (5) working days after meeting with the chair unless the chair grants additional time in writing. The matter may be concluded at this point by the mutual consent of all parties.

7. The department chair or the faculty member may initiate conciliation proceedings at any time prior to
the chair's decision by contacting the Ombuds Dispute Resolution Services for Faculty program as
provided in Section C345 with notice to the other parties. Conciliation may be undertaken if both parties
agree.

8. If a mutually agreeable resolution (with or without conciliation) is not achieved, the department chair
shall make a decision in the matter and communicate it to the faculty member in writing within ten (10)
working days after meeting with the faculty member or the termination of conciliation efforts if they are
unsuccessful, whichever is later. The faculty member shall have ten (10) working days from receipt of the
written decision to submit a written request for review by the appropriate dean, who will issue a written
decision concerning whether the chair's decision is upheld, modified or reversed. Prior to making a
decision, the dean shall meet with the department chair and the faculty member, and their representatives
if desired, together or separately, and shall receive and consider any documents the parties wish to submit.
Documents shall be submitted within five (5) working days of the faculty member's request for review. If
formal conciliation has not been attempted previously, the dean may refer the matter to Ombuds Dispute
Resolution Services for Faculty. The dean will communicate his/her decision to the parties in writing
within ten (10) working days after meeting with the faculty member or the termination of conciliation
efforts if they are unsuccessful, whichever is later.

9. If the faculty member does not agree with the dean's action, he/she may submit a written request for
review by the Provost or Chancellor within five (5) working days of receipt of the dean's decision. The
Provost/Chancellor will decide the matter on the record unless he/she determines that it would be helpful
to meet with the parties, together or separately. Within ten (10) working days after receipt of the complete
record or after meeting with the parties, whichever is later, the Provost/Chancellor shall uphold, modify or
reverse the dean's decision by written notice to the parties. The Provost/Chancellor may seek an advisory
investigation and opinion from the Faculty Ethics Committee. The decision of the Provost/Chancellor is
subject to discretionary review by the President or Board of Regents if requested by the faculty member.

10. If the chair, after meeting with the faculty member and considering all materials submitted pursuant to
section 6, proposes to suspend the faculty member without pay, the chair shall meet with the dean to
review the matter. If the proposal is supported by the dean after meeting with the chair and the faculty
member, the faculty member is entitled to a faculty peer hearing. The faculty member shall send such a
request to the Provost/Chancellor within five (5) working days of receipt of the dean's determination.

11. If a faculty peer hearing is requested as provided in this Policy, the chair of the Faculty Ethics
Committee will arrange for a hearing before two members of that Committee from outside the faculty
member's department, chosen by the Ethics Committee, and one uninvolved department chair from a
different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as
reasonably possible and shall be conducted according to the University's Dispute Resolution Hearing
Procedures. The University Secretary's office shall make arrangements for the hearing. Hearings shall be
recorded and shall be private unless both parties agree that the hearing be open. The hearing panel may
uphold or reverse the proposal to suspend the faculty member without pay. If the panel's decision is to
reverse the proposal, the panel may direct the chair and dean to impose a lesser disciplinary measure. The
panel's decision may be reviewed on the record by the Provost/Chancellor, but the panel's decision shall
not be reversed or modified except in the case of clear error, which shall be detailed in writing by the
Provost/Chancellor. The decision of the Provost/Chancellor is subject to discretionary review by the
President or Board of Regents if requested by the faculty member.
12. The faculty member may bring a complaint before the Committee on Academic Freedom and Tenure (AF&T) if he/she believes the matter or its handling is within the jurisdiction of the Committee. The Committee will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee should be sought after the determination by the Provost/Chancellor. If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the faculty peer hearing, if one was held.

13. If the final determination is that no misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the reputation of the faculty member.

14. These procedures do not supersede Appendix VIII to Part B of the Faculty Handbook, concerning the Faculty Ethics Committee, and a faculty member who believes that he/she has been improperly accused of unethical behavior may bring the matter to the attention of the Ethics Committee under Appendix VIII after determination by the Provost/Chancellor.

Staff who are found to be in violation of this policy may be subject to disciplinary action as provided in UAP 3215 (“Performance Management”), which states:

**EMPLOYEE DISCIPLINARY PROCESS**

Employees play a valuable and critical role in helping the University fulfill its mission. Supervisors have a responsibility to train and support each employee in understanding job requirements and to assist employees in improving performance and addressing issues negatively affecting the workplace. Employees should be treated with dignity and respect. In turn, providing quality programs and services requires cooperation by employees and adherence to established policies, procedures, regulations, practices, and high standards of job performance. In an effort to maximize the contribution of every employee, the University has adopted this policy on performance management.

The University encourages a supportive problem solving approach to performance problems, but the University recognizes that misconduct, violation of policies and procedures, and continued performance problems may require disciplinary action. The University normally uses the progressive discipline process described in Section 4, herein, to address misconduct and continued performance problems. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide employees with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior or performance may be of such serious nature that immediate suspension or discharge may be appropriate. The University retains the right in accordance with applicable federal and state laws and Regents' policies to determine the methods, means, and personnel required to maintain efficient operations. This includes the right to hire, promote, transfer, assign, and retain staff employees in positions within the University.

For purposes of this policy "employees" include regular staff, contract, and term employees. Individuals specifically appointed as faculty; undergraduate and graduate student employees, including Medical School house officers; and independent contractors are not subject to this policy.

2. **Employee Responsibilities and Rights**

Employees are responsible for following established University policies, procedures, regulations, and practices. They shall work in an efficient, competent, and cooperative manner and fulfill their job
requirements. An employee's right with respect to disciplinary actions and discharge differ for the various classifications as described below. Employees who disagree with any disciplinary action taken may seek resolution under the "Dispute Resolution Policy" Policy 3220, UBP or the appropriate collective bargaining agreement.

2.1. Temporary and On-Call Employees

Temporary and on-call employees may be released from employment with or without cause.

2.2. Probationary Employees

Probationary employees are those employees who have not completed the appropriate probationary period as defined in "Recruitment and Hiring" Policy 3210, UBP or the appropriate collective bargaining agreements. Probationary periods will only be extended in accordance with Section 7 of Recruitment and Hiring" Policy 3210, UBP. All extensions must be approved by the Vice President for Human Resources.

Probationary employees may be separated from employment with or without cause. However, supervisors should make reasonable efforts to train and work with probationary employees to achieve satisfactory performance. Refer to "Separation of Employment" Policy 3225, UBP for notice requirements.

2.3. Post-Probationary Employees

Post-probationary employees are those employees who have completed the appropriate probationary period. Post-probationary employees may be suspended or discharged only for proper/just cause (discussed in Section 5, herein). Supervisors should normally use progressive discipline, when appropriate, to resolve disciplinary problems involving post-probationary employees. Progressive discipline is discussed in Section 4, herein.

2.3.1. Employees Hired on a Term Appointment

Certain employees hired into a position that is designated to run for a defined period of time are employed at the University under a term appointment agreement. Post-probationary employees hired on a term appointment may be suspended or discharged only for proper/just cause (discussed in Section 5, herein) during the term appointment. However, the individual's employment will end as of the specified date, unless the supervisor notifies the employee that the appointment will be extended. Separation at the end of the original or extended term end appointment shall not constitute discharge and does not require proper/just cause.

2.4. Contract Employees

Contract employees are administrators designated by the President, who are hired on periodic employment contracts. Contract employees may be suspended or discharged only for proper/just cause (discussed in Section 5, herein) during the contract period; however, the University has the right not to renew these contracts when they expire. Terms, conditions, and notification requirements for employees hired under contract are described in "Contract Employees" Policy 3240, UBP. During the term of the contract, supervisors should normally use progressive discipline when resolving disciplinary problems involving contract employees. Progressive discipline is discussed in Section 4, herein. Separation at the end of the original or extended contract period shall not constitute discharge and does not require proper/just cause.
3. Supervisor Responsibilities

Supervisors should seek to achieve a productive, effective work environment by ensuring that each employee's job performance meets expectations. Supervisors should make appropriate efforts to ensure that employees understand job requirements and expectations, and supervisors should address problems that may impact on performance in a timely, constructive, and corrective manner.

The University does not condone poor performance; however, it recognizes that good "coaching" can correct many performance deficiencies. Good performance management requires continuous improvement feedback to employees. Supervisors should evaluate performance, identify shortcomings, and plan training needed to correct any weaknesses.

Supervisors should use a problem-solving approach to resolve performance problems and other issues negatively affecting the workplace. When an employee is not suited to a specific position, a supervisor may wish to consider a lateral transfer to a different position, which may be better suited to the employee. A lateral transfer may be appropriate when there is a comparable position open within the department and such a transfer is reasonably predicted to result in improved performance. In cases of poor performance where an employee performed satisfactorily in a lower level position, a demotion may be appropriate if there is a lower level position open in the department. Since a demotion results in a salary reduction, this can only be done with the employee's agreement. All demotions must be approved, in advance, by the Vice President for Human Resources.

In dealing with performance problems, supervisors are encouraged to seek assistance from the assigned Human Resources Consultant in the Division of Human Resources before beginning the disciplinary process. Following is a list of additional resources which can be used, as appropriate.-

- their superiors (especially their chair, dean, or director);
- the University Office of Ombuds/Dispute Resolution (DR) Services (refer to "Dispute Resolution Policy" Policy 3220, UBP);
- the University Counseling, Assistance, and Referral Service (CARS);
- the Employee and Organizational Development Department in the Division of Human Resources; or
- the University Office of Equal Opportunity.

When performance problems continue or employee misconduct is of a serious nature requiring discipline, the actions described in Section 4, herein may be appropriate. The objective of the following corrective actions is to seek to return the employee to positive productive performance.

4. Progressive Discipline

The University of New Mexico uses progressive discipline for post-probationary regular, term, or contract employees when appropriate. Progressive discipline is designed to allow an employee a reasonable opportunity to meet the requirements of the job, comply with University policies, procedures, practices, and regulations, and allow the employee an opportunity to improve performance.

Progressive discipline may not be appropriate in all instances; such as when health or safety is at risk or a crime has been committed, and is not a bar to a supervisor imposing stronger discipline with the approval of the Vice President for Human Resources, depending on the individual circumstances. Some violations (listed in Section 5) could be of such a serious nature that disciplinary action could lead directly to suspension or discharge with the approval of the Vice President for Human Resources.
Progressive discipline actions include the use of oral warnings, written warnings, suspensions, and/or discharge. Discipline should be administered equitably, consistently, and progressively. Depending on the nature of the performance problem, misconduct, or violation of policy, a supervisor may start progressive discipline at any appropriate point in the process. The following sections describe in detail the actions used in progressive discipline.

### 4.1. Oral Warning

The primary objective of oral warning(s) should be to advise the employee that there is a performance problem or the employee has violated policies or procedures and to tell the employee what he or she can do to restore satisfactory performance. It is expected that such discussions will result in improved performance. The supervisor should advise the employee:

- of the nature of the problem and allow the employee to explain any reason for the problem and suggest ways to correct the situation;
- of the policies or rules violated (if any);
- of the specific actions to be taken by the employee and/or supervisor to correct the problem, including specific time frames, if appropriate;
- that further disciplinary action will occur should the problem persist; and
- that disciplinary action may be disputed according to the provisions of "Dispute Resolution Policy" Policy 3220, UBP or the appropriate collective bargaining agreement.

The supervisor must make it clear to the employee that this is an "oral warning." An oral warning is not documented in the employee's official personnel file, maintained by the Division of Human Resources. However, the supervisor shall maintain a record of any oral warnings given which should be referred to in any further disciplinary action taken.

### 4.2. Written Warning

A written warning provides the employee with a written explanation of the events leading to the warning, an explanation of any applicable rules, and any subsequent information that can help the employee improve the identified performance problem. The supervisor must make it clear to the employee that this is a "written warning" and that if the employee does not improve performance to a satisfactory level within the time frames listed more serious disciplinary action will take place. A written warning is documented in the employee's official personnel file maintained by the Division of Human Resources. The written warning should include:

- the nature of the problem, including reference to any earlier oral warning(s);
- the policies or rules violated (if any);
- the specific action to be taken by the employee and/or supervisor to correct the problem, including specific time frames, if appropriate;
- a statement that further disciplinary action, up to and including discharge, could occur should the problem persist; and
- a statement that disciplinary action may be disputed according to the provisions of "Dispute Resolution Policy" Policy 3220, UBP or the appropriate collective bargaining agreement.

Since the purpose of discipline is to help employees correct problems, when an employee has corrected a problem and the supervisor is satisfied that it will not reoccur, subsequent performance evaluations should reflect the improved performance. After an employee has received at least three (3) positive evaluations,
an employee may petition his or her dean or director to have the written warning removed from the employee's official personnel file.

4.3. Suspension

A suspension is a temporary involuntary separation of employment, without pay, for performance problems that have not been satisfactorily corrected through the use of oral and written warnings or for misconduct or serious violation of policy or procedure. Suspensions range from one (1) work day up to thirty (30) work days, depending on the seriousness of the problem. The supervisor must comply with the notice requirements listed in Section 6, herein, and should inform the employee in writing that the suspension is a disciplinary action and that discharge could occur should the problem persist. A suspension requires approval, in advance, of the cognizant dean or director and the Vice President for Human Resources.

4.4. Discharge

A discharge is a permanent involuntary separation of employment from the University for disciplinary reasons. Discharges must be approved, in advance, by the cognizant dean or director and the Vice President for Human Resources. The supervisor must comply with the notice requirements listed in Section 6, herein.

5. Proper/Just Cause

Proper/just cause is any behavior significant or substantial in nature relating to the employee's work that is inconsistent with the employee's obligation to the University. A list of examples that constitute proper/just cause is shown below for guidance only, and is not considered as an all-inclusive list.

- Assault or battery on another person.
- Conviction of a felony or misdemeanor where the provisions of the Criminal Offender Employment Act apply, depending on the nature of the offense and the type of position.
- Creating a hostile working environment.
- Discrimination, including sexual harassment.
- Falsification (deliberate) or omission of information on employment applications or resumes, time cards/records, or other University records.
- Illegal drugs and alcohol - violation of the University's "Policy on Illegal Drugs and Alcohol."
- Incompetence.
- Inefficiency.
- Insubordination.
- Intoxication on the job.
- Misappropriation or personal use of University funds, property, possessions, or resources.
- Misconduct.
- Negligence.
- Performance which continues to be inadequate after reasonable time has been allowed to correct it.
- Possession of or distribution of obscene or pornographic material unrelated to business needs or University research.
- Theft or fraud.
- Uncooperative behavior.
- Confidentiality - violation of confidentiality or the release of confidential information.
- Violation of University policies.
6. Notice Requirements

6.1. Notice of Contemplated Action

To initiate a suspension or discharge of a post-probationary regular, term, or contract employee, the dean, director, or department head must serve the employee with written notice of the contemplated action. Suspensions and discharges require approval of the cognizant dean or director and the Vice President for Human Resources prior to issuing a Notice of Contemplated Action. This notice must include all the following points:

- Cite the acts which the supervisor believes may constitute proper/just cause. These may be any one (1) or more of the acts listed in Section 5. herein.
- Give a summary of the evidence against the employee.
- Specify the contemplated action.
- State that the employee has ten (10) calendar days from receipt of the notice to respond orally or in writing to the contemplated action.

A copy of the notice will be sent to the Division of Human Resources for placement in the employee's official personnel file.

6.2. Notices

Notices shall be in writing and should be served in person, if possible. At the time of service, the employee should be asked to sign an acknowledgement of receipt. If the employee declines, the supervisor shall so note for the record. If the notice cannot be served in person, the notice may be sent by certified mail with a return receipt requested. The notice must be properly stamped and addressed to the last address provided by the employee. Service of the notice is complete when the notice is hand delivered or deposited with the United States Postal Service by certified mail with a return receipt requested.

6.3. Computation of Time

Any time period required or allowed by this policy, does not include the day of the action from which this time period begins to run. If the last day of the time period falls on a Saturday, Sunday, or holiday, the last day of the time period shall be the next working day.

6.4. Response to Notice of Contemplated Action

The employee or a representative of the employee's choosing may respond orally and/or in writing to the notice of contemplated action. Refer to the appropriate collective bargaining agreement regarding representation for employees in titles listed under labor agreements. The response is served to the supervisor who signed the notice. If the employee wishes to meet with the supervisor to respond to the notice of contemplated action, he or she must submit a written request for the meeting within five (5) work days from receipt of the notice. As stated in Section 6.1. herein, the employee must respond orally and/or in writing within ten (10) calendar days from receipt of the notice. Any extension of time must be in writing and agreed upon by both the employee and the supervisor.

A copy of the response will be sent to the Division of Human Resources for placement in the employee's official personnel file.
6.5. Notice of Final Action

After considering the employee's oral and/or written response, the supervisor shall decide on the final action and serve the employee with a written notice of final action. The notice of final action shall be within thirty (30) calendar days after receipt of the employee's response and include all the following points:

- The final action to be taken.
- The acts constituting proper/just cause, which shall only include allegations specified in the Notice of Contemplated Action.
- A summary of the evidence.
- A reply to the employee's response, if any.
- The effective date of any disciplinary action.
- A statement that the employee may request within two (2) weeks of receipt of the Notice of Final Action that the DR Coordinator review the action according to the provisions of "Dispute Resolution Policy" Policy 3220, UBP.

A copy of the notice will be sent to the Division of Human Resources for placement in the employee's official personnel file.

6.6. Pay Status

Post-probationary and contract employees will remain on paid status at all times pending completion of the disciplinary action process, with the exception of a suspension (Section 4.3, herein) approved by the Vice President for Human Resources. An employee may be placed on administrative leave with pay pending completion of the investigative or disciplinary process (for more information, refer to Section 3.7. of "Leave With Pay" Policy 3415, UBP).

7. Required Approval by the Division of Human Resources

Supervisors contemplating the suspension, demotion, or discharge of any employee, including probationary and temporary employees, must consult with the Vice President for Human Resources before taking such action. Whenever prior consultation is not practical because of reasons perceived to be of such an urgent or serious nature, the employee must be placed on administrative leave with pay until the case can be discussed with the Vice President for Human Resources.

STUDENT DISCIPLINARY PROCESS

ARTICLE 4. DISCIPLINARY PROCESS

4.1. Prohibited Conduct

The University may take disciplinary action against a student for a violation of the Student Code of Conduct when the offense occurs on University premises or at a University-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety or welfare of the University community or any individual student or employee. The term "student" includes both full-time and part-time students pursuing undergraduate, graduate or professional studies. Student status
continues for the entire period of enrollment, including University holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms.

The University may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on University premises, as part of a University sponsored event or in connection with University activities. "Visitor" means a person who is not a student, a University employee or a member of the Board of Regents.

4.2. Referral of Misconduct to the Dean of Students Office

A. Except as provided in Article 4.2(B) below, allegations of misconduct in violation of the Student Code of Conduct must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters.

Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) days. Absent just cause, complaints must be submitted within one year following discovery of the suspected misconduct.

B. As set forth in Article 1.8, disciplinary matters involving allegations of discrimination as defined in that Article and Article 4.4 herein, including but not limited to allegations of sex discrimination/harassment/misconduct/violence, are addressed under Article 4.4.

C. Upon referral, or upon his or her own initiative, the Student Conduct Officer may review relevant evidence and consult with the person referring the allegation, the student accused, and any witnesses. The Student Conduct Officer will send written notification to the accused student indicating the nature of the activity in which the student was allegedly involved, and what University rules were allegedly violated. The student will be given the opportunity to meet with the Student Conduct Officer to review the options for resolving the charges. If the student fails to attend the meeting, the Student Conduct Officer may decide the charges based upon the information available and/or place a hold on the student's registration. The accused student will also be offered one or more of the following options to resolve the charges; however, the Student Conduct Officer is authorized to refer the charges for a formal hearing before the Student Conduct Committee even if the student does not elect a formal hearing. If a student fails to select a hearing process, the Student Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

i. Mediation: This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal finding will not be issued with regard to the Student Code of Conduct charges. However, failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action. Mediation will not be used to resolve complaints alleging sexual violence.

ii. Informal Disposition Conference: The accused student and Student Conduct Officer will meet informally to discuss the alleged violation(s). If the substantive facts and sanction can be agreed upon, a disciplinary action agreement will be prepared by the Student Conduct Officer and signed by the accused student. A signed disciplinary action agreement will constitute a waiver by the student of the right to an administrative hearing or formal hearing as well as any appeal, and an acceptance of the findings and sanction.
iii. Administrative Hearing with the Student Conduct Officer: This option allows the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges. The party waives the right to question such individuals or otherwise participate in an evidentiary hearing. Administrative Hearings are not tape recorded. Within three weeks of the completion of all witness interviews, the Student Conduct Officer will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Officer may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct.

iv. Formal Hearing with the Student Conduct Committee: This option allows the accused student to respond to the charges, present witnesses on his or her own behalf and question witnesses. Formal hearings are tape-recorded. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct. A formal hearing with the Student Conduct Committee is conducted in accordance with the procedures outlined in Articles 5 and 6.

D. When a case involves Student Code of Conduct charges against more than one party, the Student Conduct Officer will determine whether to hold one hearing to resolve charges against all parties or hold separate hearings for each accused student.

E. A student allegedly committing a criminal offense under state or federal law that is also a violation of the Student Code of Conduct may be subject to University disciplinary proceedings. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending. The University may also pursue disciplinary action even if criminal charges were dismissed, reduced or resolved in favor of the student-defendant.

F. Unless otherwise specified in the decision, sanctions issued by the Student Conduct Officer (not including an Emergency Suspension as outlined in Article 4.3) or by the Student Conduct Committee shall not be implemented until the appeal process as set forth under Article 7 is completed.

G. The standard of proof utilized to resolve Student and Visitor Code of Conduct charges shall be that of preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the accused student (or chartered student organization or visitor) violated the Code of Conduct.

H. The party who is charged with violating the Code of Conduct is responsible for presenting his or her case; advisors are therefore not permitted to speak or to participate directly in any conference or hearing.

I. Upon written request, the University of New Mexico will disclose to the individual who alleges that they were subjected to a crime of violence or a non-forcible sex offense the final results of the disciplinary proceedings conducted by the University of New Mexico issued to the student who is the alleged perpetrator of the offense(s) alleged. If the individual who is alleged to have been subjected to the crime of violence or non-forcible sex offense at issue is deceased as a result of such offense(s), the next of
kin of such individual shall be treated that individual for the purpose of disclosing the final result of the disciplinary proceedings.

Additionally, in cases of Sexual Violence as described in Article 7.7(C), the respondent and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

J. Decisions by the Student Conduct Officer or Student Conduct Committee, in most cases, will be rendered within sixty (60) days of the filing of a complaint. This date can be modified at the discretion of the Student Conduct Officer if deemed necessary, such as to conduct a hearing that protects the rights of all parties.

4.3. Emergency Suspension and Banning from Campus

A. The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions.

B. When a person has been immediately suspended or banned by the Dean of Students under this article, the person may request to meet with the Dean to consider whether the emergency suspension should be continued. The meeting shall be held as soon as possible (no later than one week) after the request. The Dean of Students shall give the person an opportunity to explain his or her position and shall receive evidence or hear from witnesses with pertinent information, if requested by the person. In the case of a chartered student organization, the Dean will meet, if requested, with the organization's president or other designated officer.

C. After the meeting, if the Dean finds that the person's continued presence may endanger persons or property or threaten disruption of the academic process or other campus functions, the Dean shall continue the suspension and/or ban. Otherwise, the emergency suspension and/or ban shall be revoked or modified.

D. For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in Article 4.2 (B) herein. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final for the University.

4.4. Investigation of Complaints of Discrimination, Including Allegations of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Sexual Violence

A. Definitions - the following definitions apply to Article 4.4 of this Student Grievance Procedure:

i. "Discrimination" includes all forms of unlawful discrimination based on an individual's or group's protected class (es), including age (40 and over), ancestry/national origin, color/race, gender identity, medical condition, mental/physical disability, religion, sex/gender, sexual orientation, spousal affiliation, veteran status, and any other protected class as described in University Administrative Policy #2720; acts of sexual harassment as described in University
ii. "Complaint" refers to allegations of prohibited discrimination as defined herein filed with the University's Office of Equal Opportunity.

iii. "Complainant" refers to the individual alleging that they have experienced discrimination as defined herein.

iv. "Accused student" refers to the individual accused by the complainant of having violated University policy prohibiting discrimination as defined herein.

v. "The Office of Equal Opportunity" or "OEO" is the University office that processes allegations of discrimination as defined herein, including but not limited to investigating such allegations and making determinations as to whether or not the University's policies prohibiting discrimination have been violated. OEO does not issue sanctions for violations of policy.

vi. "Probable Cause" means that the evidence submitted during the OEO investigation supports a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination.

vii. "No Probable Cause" means that the evidence submitted during the OEO investigation does not support a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination.

B. Allegation (s) that a student has engaged in an act of discrimination will be referred to OEO for investigation pursuant to OEO's Discrimination Claims Procedure. If it accepts the matter for investigation, OEO will issue a Final Letter of Determination at the conclusion of that investigation finding either No Probable Cause or Probable Cause that the accused student has committed an act in violation of the University's prohibitions against discrimination as defined herein. The accused student and complainant have the right to appeal OEO's Final Letter of Determination as provided for in OEO's Discrimination Claims Procedure, which describes the sole method of appealing a determination made by OEO. Nothing in this Grievance Procedure provides an avenue to appeal OEO's final determination of an alleged policy violation.

C. If Probable Cause is found that a student committed an act of discrimination in violation of University policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and obligations under University policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human Rights Act. Ordinarily, after consulting with the accused student, the Student Conduct Officer will decide which of the options set forth in Article 4.2(B) (iii) and
(iv) herein will be utilized to determine the sanction. The options of an administrative hearing with the Student Conduct Officer and the formal hearing with the Student Conduct Committee will be modified as appropriate so as to focus solely on determining what sanction(s) to impose. The options of mediation and informal disposition described in Article 4.2(B) (i) and (ii) respectively are not available when the accused student has been found to have engaged in prohibited discrimination in violation of University policy.

D. The decision on sanctions made by either the Student Conduct Officer or Student Conduct Committee may be appealed as provided for by Article 7.3 herein, except that the only permissible grounds for appeal is that there was significant procedural error in the sanctioning process of a nature sufficient to have materially affected the outcome of the sanction decision, and/or the severity of the sanction is grossly disproportionate to the violation(s) of University policy that OEO found to have been committed. Both the accused student and the complainant may appeal the sanction decision. Neither the accused student nor the complainant may appeal the findings and determination made by OEO in the Article 7 appeals process.

E. If OEO finds No Probable Cause that a student committed an act in violation of the University's prohibition against discrimination, OEO will refer the matter to the Dean of Students Office for review to determine whether charges under any other provisions of the UN M Student Code of Conduct or University policy are warranted or other action should be taken.

ARTICLE 5. STUDENT CONDUCT COMMITTEE

5.1. Jurisdiction

The Student Conduct Committee will hold a hearing when a party chooses the hearing option of a formal hearing before the Committee or when the Student Conduct Officer refers the matter to the Committee.

5.2. Composition

A. The Student Conduct Committee will consist of three members, ordinarily including one student, one faculty member and one staff member, with the Dean of Students serving as an additional, nonvoting member and Chair of the Student Conduct Committee. The student, faculty and staff members of a Student Conduct Committee are drawn from a standing pool consisting of faculty members designated by the Faculty Senate President; staff members designated by the Staff Council President and student members designated by the Presidents of ASUNM and GPSA.

B. Students may not serve on hearing panels in cases involving allegations of sexual harassment, sexual violence, or sexual assault as described in University Administrative Policy #2740. In such cases, the Student Conduct Committee will be comprised of a mixed-gender three-person committee, all of whom have received appropriate Title IX training.

C. No one may serve on the Student Conduct Committee who has a conflict of interest or bias with respect to the case to be heard such that he or she cannot hear the case fairly and impartially, however, prior knowledge of the parties in the case or of the conduct that is the subject of the case does not itself constitute a conflict of interest or bias. Allegations that a member of the Committee has a conflict of interest or is biased shall be reviewed by the Dean of Students, whose decision is final.
D. A party charged may be found responsible for violating the Code of Conduct by a majority vote of the Student Conduct Committee.

5.3 Investigation Report

The Student Conduct Officer will prepare an Investigation Report for the Student Conduct Committee. The Student Conduct Officer typically conducts interviews with the complainant, the accused student and any third-party witnesses; visits and takes photographs at relevant sites if appropriate; and gathers other relevant evidence.

The Investigation Report includes, among other things, summaries of interviews with the complainant, the accused student and any third party witnesses; photographs of the relevant site(s); other relevant evidence; and a detailed written analysis of the events in question. The Investigation Report will be provided to the Student Conduct Committee, the complainant and the accused student.

In cases involving allegations of discrimination as defined in Article 4.4 herein, the Final Letter of Determination issued by OEO will substitute for the Student Conduct Officer's Investigation Report. In such cases, the Student Conduct Committee may not consider the propriety of OEO's determination; rather, the Committee will be limited to determining what, if any, sanction will be imposed for the violation of policy as determined by OEO in the Final Letter of Determination. The Committee is limited to making its sanctioning determination based on the circumstances and the evidence presented to it by the parties and witnesses at the hearing.

ARTICLE 6. HEARING PROCEDURE

The following rules shall apply to formal hearings conducted by Student Conduct Committee:

6.1. The hearing shall be closed, unless the Dean of Students decides to let others attend if he or she deems that their presence may be helpful to the review and determination of the charges, or if there are other compelling reasons for their presence.

6.2. The accused student, the complainant and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations).

6.3. The accused student and the complainant may each have an advisor (including an attorney) attend the hearing. The role of the advisor is to provide his or her advisee with support and counsel regarding the process. The advisor (including an attorney advisor) cannot act as a representative of his or her advisee, cannot have a voice in the hearing and therefore is not permitted to present arguments or evidence or otherwise participate directly in the hearing.

6.4. Student Conduct Committee members may question the accused student, the complainant and any witnesses.

6.5. The accused student has the right, within reasonable limits set by the Dean of Students, to question all witnesses who testify. The Dean of Students may also permit the complainant to question the witnesses, within reasonable limits.

6.6. The accused student and the complainant will not be permitted to directly question each other in hearings to determine the sanction to be imposed on a student for whom UN M's Office of Equal
Opportunity has issued a Probable Cause determination under Article 4.4 herein. Questions for the accused student and the complainant from the other party may be suggested by each of them to the Student Conduct Committee who will decide whether to pose them. In such cases, additional limitations on questioning may be imposed that are consistent with the complainant's rights as stated in Article 7.7 herein.

6.7. The accused student and the complainant may each request the presence of witnesses at the hearing by informing the Dean of Students of their names and expected testimony at least five business days before the hearing. Based upon the Investigation Report, the Student Conduct Committee may call witnesses not identified by either the complaint or the accused student. The Dean of Students may refuse to call a requested witness if he or she determines that the expected testimony is not sufficiently relevant to the charges, would be duplicative of other testimony, or would otherwise not be significantly helpful to the review and determination of the charges. The Dean of Students will try to arrange the attendance of witnesses who are members of the University community (students, staff and faculty). The accused student and complainant are responsible for arranging the attendance of persons from outside of the University. The Student Conduct Committee has no subpoena authority. The accused student and complainant will each receive a list of witnesses called to testify at least three business days before the hearing.

6.8. The accused student and the complainant may each submit pertinent documentary evidence for consideration by the Student Conduct Committee at least five business days before the hearing. As with witnesses, the Dean of Students may, for the reasons cited in Article 6.6, decline to accept a party's evidence. Both parties will be provided access to all documentary evidence accepted, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

6.9. In its discretion, but consistent with the other provisions of this Grievance Procedure, the Student Conduct Committee may proceed independently to secure evidence for the hearing. Both parties will have an opportunity to review any such evidence at least three business days before the hearing, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

6.10. The hearing will be recorded in an appropriate format as determined by the Dean of Students, and the Dean of Students Office will keep the recording(s). The recording is the property of the University. No typed record will be made.

6.11. The rules of evidence used in civil or criminal trials are not applicable to formal hearings conducted by the Student Conduct Committee.

6.12. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the accused student a decision letter which includes the Committee's findings and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for violating the Code of Conduct, or may find the party responsible and impose a disciplinary sanction. As set forth in Article 7.7(C), in a case of alleged sexual violence, the complainant will also be notified of the Student Conduct Committee's decision, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

6.13. The Student Conduct Committee may seek advice from the Office of University Counsel throughout the adjudication process on questions of law or procedure; however, factual determinations are the exclusive domain of the Committee.
6.14. Decisions of the Student Conduct Committee are subject to appeal to the Vice President for Student Affairs, as per Article 7.2 herein, if the sanction imposed by the Committee is suspension, expulsion or banning from the campus. In cases involving allegations of discrimination as provided in Article 4.4 herein, decisions of the Student Conduct Committee are subject to appeal to the Office of the President as provided in Article 7.3 herein.

ARTICLE 7. APPEALS, RECORDS AND RIGHTS

Decisions of the Student Conduct Committee or the Student Conduct Officer are final, unless a sanction of suspension, expulsion or banning from campus is imposed. Appeals in cases involving sanctions issued for violations of the University's prohibitions against discrimination as provided in Article 4.4 herein may be taken by the sanctioned student and/or the complainant, but such appeals must proceed pursuant to Article 7.3(A) herein.

7.1. Appeal to Dean of Students

A. A student receiving a sanction of suspension, expulsion, or banning from campus from the Student Conduct Officer may appeal the decision to the Dean of Students. A Dean of Students Office appeal form must be completed and received by the Dean of Students Office within seven working days of the date of the written decision from the Student Conduct Officer.

Except as provided in Article 4.4(D) and 7.3(A) of this Grievance Procedure, the following will be considered the only grounds for an appeal:

1. There was significant procedural error of a nature sufficient to have materially affected the outcome;

2. The decision was not in accordance with the evidence presented;

3. There is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome; and/or

4. The severity of the sanction is grossly disproportionate to the violation(s) committed.

On appeal the Dean of Students shall review the decision of the Student Conduct Officer and may schedule an appointment with the party appealing to discuss the reasons for the appeal.

B. After reviewing the case, the Dean of Students may:

i. Affirm or overturn the findings of the Student Conduct Officer.

ii. Affirm or alter the sanction imposed by the Student Conduct Officer.

iii. Remand the case to the Student Conduct Officer. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Dean of Students. Where a case is remanded, the decision of the Student Conduct Officer may be appealed to the Vice-President for Student Affairs.

iv. The Dean of Students will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party, with a copy sent to the Student Conduct Officer.
7.2. Appeal to Vice President for Student Affairs

A. Appeals to the Vice President for Student Affairs may be made from a decision of the Dean of Students to uphold a student's suspension, expulsion or banning from campus; or from a decision of the Student Conduct Committee imposing such a sanction.

B. An appeal form must be completed and submitted to the Vice President for Student Affairs within seven working days of the date of the written decision from the Dean of Students or the Student Conduct Committee. The grounds for appeal to the Vice President are the same as for an appeal to the Dean of Students (see Article 7.1 (A)). On appeal the Vice President for Student Affairs shall review the decisions of the Student Conduct Officer, Student Conduct Committee and/or the Dean of Students. The Vice President for Student Affairs may meet with the party appealing to discuss the reasons for the appeal.

C. After reviewing the case, the Vice President for Student Affairs may:

i. Affirm or overturn the findings of the Dean of Students or the Student Conduct Committee;

ii. Affirm or alter the sanction imposed by the Dean of Students or the Student Conduct Committee; or

iii. Remand the case to the original tribunal (Student Conduct Committee or Student Conduct Officer) for further proceedings. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Vice President for Student Affairs. Where a case is remanded, the decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the Vice President for Student Affairs.

iv. The Vice President for Student Affairs will send written notification of the decision to the appeals party within two weeks of meeting with the appealing party. A copy of the decision shall be sent to the Dean of Students.

7.3. Appeal to the President and the Board of Regents

A. Appeals of sanctions issued for violations of University policy prohibiting discrimination as provided in Article 4.4 of this Grievance Procedure.

i. Decisions of the Student Conduct Committee or the Student Conduct Officer regarding sanctions imposed for violations of the University's prohibition against discrimination as provided in Article 4.4 herein are final, unless a sanction of suspension, expulsion or banning from campus is imposed. A student receiving such a sanction may appeal the decision to the Office of the President. The appeal must be in writing, contain a statement of the sanction (s) being appealed and the grounds therefore, and must be received at the Office of the President within seven working days of the date of the written decision from the Student Conduct Committee or

Student Conduct Officer. Either the sanctioned student or complainant may appeal a sanctioning decision of the Student Conduct Officer or the Student Conduct Committee in cases involving sexual harassment, sexual misconduct, or sexual violence. Only the sanctioned student may appeal a sanctioning decision of the Student Conduct Officer or Student Conduct Committee in cases involving discrimination that is not related to sexual harassment, sexual misconduct, or sexual violence.
ii. As provided in Article 4.4(D) herein, appeals of sanctions issued for violations of the University's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that there was significant procedural error during the sanctioning process of a nature sufficient to have materially affected the outcome of the sanction decision and/or the severity of the sanction is grossly disproportionate to the violation(s) of University policy that OEO found to have been committed.

Nothing in this Procedure provides a means to appeal any decision issued by OEO that may provide the basis for a sanctioning decision.

iii. The President's consideration of whether the sanctioning decision(s) on appeal was procedurally erroneous or grossly disproportionate to the violations(s) of University policy as found by OEO will be limited to a review of the evidence submitted to the Student Conduct Committee and/or Student Conduct Officer relevant to the level of sanction(s) to be imposed; the evidentiary findings made by Student Conduct Committee and/or Student Conduct Officer; and/or the conclusions made by the Student Conduct Committee and/or Student Conduct Officer in determining the level of sanction(s) imposed. The President will not consider any evidence not submitted to the Student Conduct Committee or Student Conduct Officer for consideration of the sanction(s) at issue unless such evidence is newly discovered or was otherwise not reasonably available to the appealing party or parties at the time the sanctioning process was initiated.

iv. After reviewing the case, the President may:

a) Affirm the sanction(s) issued in its/their entirety;

b) Affirm the sanction(s) issued in part and remand the remainder to the Student Conduct Committee and/or Student Conduct Officer for further proceedings; or

c) Remand the decision issuing the sanction(s) on appeal in its/their entirety to the Student Conduct Committee and/or Student Conduct Officer for further proceedings.

A remand will generally occur only where new evidence, as provided in Article 7.3(A) (iii) herein, is to be reviewed or as otherwise determined by the President. Where a case is remanded, the subsequent decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the President as provided in Article 7.3 herein.

v. Appeals to the Board of Regents may be petitioned-for from a decision of the President to uphold the sanctioning decision(s) issued by the Student Conduct Committee and/or Student Conduct Officer regarding a student found by OEO to have violated the University's prohibitions against discrimination, including sex discrimination, sexual harassment, sexual misconduct, and sexual violence. Such an appeal must be submitted to the Board of Regents in writing, stating the sanction(s) appealed and the grounds upon which the appeal is based, within seven working days of the President's decision being issued. Appeals to the Board of Regents that are accepted will be handled pursuant to the policies of the Regents concerning discretionary reviews.

**Investigation and Disciplinary Action for Title IX Incidents (Faculty, Staff and Student Process):**

- OEO reviews report to determine jurisdiction.
- OEO meets with reporting party (referred to as “complainant”) and responding party (referred to as “respondent”) to determine scope of investigation and explain procedure.
• OEO gathers evidence from parties, analyzes to determine if it demonstrates that a violation of University policy more likely than not occurred (referred to as the “preponderance of the evidence” standard).
• OEO issues a Preliminary Letter of Determination (PLOD) finding that there is either probable cause or no probable cause that a violation of University policy occurred.
• Complainant and respondent have two weeks to submit any new information that OEO has not considered or previously seen.
• OEO issues a Final Letter of Determination (FLOD) either upholding the finding in the PLOD or altering it based on new information submitted.
• Either party has two weeks to seek a discretionary review of the FLOD from the Office of the President. Disciplinary Action.
• OEO forwards the matter to the Student Conduct Officer and/or Student Conduct Committee at the Dean of Students Office to determine what, if any, sanction to be imposed.
• At either party’s election or when referred by the Student Conduct Officer, Student Conduct Committee will hold a formal hearing regarding discipline imposed or lack thereof.
• Student Conduct Committee issues a formal decision on discipline imposed.
• Either party has seven working days to appeal certain types of disciplinary action to the Dean of Students or Vice President of Student Affairs depending on hearing option used and sanction given.

Missing Student Notification Process:

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

• Contacting the student via his or her telephone and/or email.
• Checking the student’s residence; determining if the student has been in class or used his or her UNM ID card.
• Checking with roommates, friends and others who may have relevant information. If these efforts are unsuccessful in locating the student, UNMPD will inform the Dean of Students that the student is missing and the following will occur:
• The Dean of Students, or designee, will notify the student’s designated missing person contact within 24 hours of being informed by UNMPD that the student is missing.
• If the missing student is under the age of 18 and is not emancipated, the Dean of Students, or designee, 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, as appropriate, for purposes of coordinating the investigation and continuing efforts to locate the student.
• The Dean of Students will initiate actions deemed appropriate under the circumstances in the best interest of the missing student. For example, contacting the student’s instructors may occur if necessary or beneficial in the situation to the student and/or instructors.
UNM WEAPON’S POLICY

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

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

POLICY ON ILLEGAL DRUGS & ALCOHOL

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of the commitment of The University of New Mexico to an environment for the pursuit of its educational mission free of drugs and the illegal use of alcohol. Drug and alcohol abuse on campus poses a serious threat to the health and welfare of faculty, staff and students; impairs work and academic performance; jeopardizes the safety and well-being of other employees, students and members of the general public; and conflicts with the responsibility of The University of New Mexico to foster a healthy atmosphere for the pursuit of education, research and service.

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

I. Policy Statement

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

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

As a condition of continued registration and enrollment, any student of The University of New Mexico shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion. For more detailed information, students should refer to the Student Code of Conduct and related policies printed in the UNM Pathfinder and/or contact the Dean of Students Office.

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

In recognition of the dangers of substance abuse in the workplace, The University of New Mexico shall maintain alcohol and drug-free awareness programs to inform members of the University community about the issues and risks of substance abuse, and about counseling, and treatment resources.

The University shall assign responsibility for such awareness programs to specific administrative entities, which shall be provided sufficient resources to develop and maintain the programs. As a matter of policy, any referral, treatment, awareness or primary prevention programs established by The University of New Mexico shall play no role in enforcing or instituting possible disciplinary action.

II. Legal Sanctions for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol

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

Driving or using machinery after drinking or using drugs creates the risk that the user may injure or kill someone. This can result in homicide charges. License revocation and vehicle impoundment are also possible results of driving while under the influence of liquor or drugs. The minimum blood alcohol levels at which drivers' licenses are revoked in New Mexico are: .02% for those under 21 and .08% for those 21 and over. All drivers in New Mexico are presumed to be intoxicated at the .08% level.

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

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

Details on federal and state sanctions for the unlawful possession or distribution of illegal drugs are contained in the Policy on Illegal Drugs and Alcohol that appears on page 53 of the 2007-2008 UNM Pathfinder.

III. Health Risks Associated with Use of Illicit Drugs and the Abuse of Alcohol

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

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

CAMPUS RESOURCES FOR FACULTY & STAFF:

If you are concerned about a student’s alcohol, tobacco or other drug use, contact the Wellness Center at the Student Health Center for consultation. Confidential consultations, individual assessments and education are available.

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

C.A.R.S. (Counseling, Assistance & Referral Service):

Phone (505) 272-6868

University Hospital employees may contact C.A.R.S. directly at (505) 272-6868 or call Human Resources for information about available counseling & referral resources.

Phone: (505) 272-0942

SEX OFFENDER REGISTRATION

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

Registration at UNM is administered by the UNMPD (Hokona Hall, 2500 Campus Blvd NE) or the Registrar’s Office (Student Support & Services Center, 1155 University Blvd. SE). The registration form is available online at: https://police.unm.edu/default.aspx?menuitemid=191

A list of registered sex offenders is available online from the New Mexico Department of Public Safety at: http://www.nmsexoffender.dps.state.nm.us/ or by calling the Bernalillo County Sheriff’s Department at (505) 468-7100.
Educational Programs and Campaigns for Alcohol/Drug Use, Dating Violence, Domestic Violence, Healthy Relationships, Sexual Violence and Stalking:

Definitions:

Awareness/Education Programs: These are programs designed by UNM to create more awareness and education about Sexual Misconduct, Domestic Violence, Dating Violence and Stalking.

Ongoing Prevention and Awareness Campaigns: These are marketing pushes to make our UNM Campus Community more aware about Sexual Misconduct, Domestic Violence, Dating Violence and Stalking.

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

Primary Prevention Programs: These are programs designed to educate our campus community about preventing Sexual Misconduct, Domestic Violence, Dating Violence and Stalking.

Risk Reduction: Information or programs designed to lessen the risk of Sexual Misconduct, Domestic Violence, Dating Violence and Stalking.

Athletics:

<table>
<thead>
<tr>
<th>Program (Primary Prevention)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Prevention &amp; Awareness Training</td>
<td>All UNM Athletes</td>
<td>Twice at the beginning of each Fall Semester</td>
</tr>
<tr>
<td>Katie Hnida (Sexual Assault and Prevention)</td>
<td>All UNM Athletes</td>
<td>Once during 2015</td>
</tr>
</tbody>
</table>

Campus Office of Substance Abuse Prevention:

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

**Greek Life Office:**

<table>
<thead>
<tr>
<th>Program (Risk Reduction)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greek Life Leadership Summit (Liability of hosting events and Sexual Assault Reporting)</td>
<td>All UNM Greek Leadership</td>
<td>Annually</td>
</tr>
<tr>
<td>Greek Life New Member Summit (Identifying Hazing Behavior)</td>
<td>All UNM Greek Members</td>
<td>Annually</td>
</tr>
<tr>
<td>All Greek Sexual Assault Summit (Discussing Sexual Assault Response and Reporting Resources)</td>
<td>All UNM Greek Members</td>
<td>Once for 2015</td>
</tr>
</tbody>
</table>

**LoboRespect Advocacy Center:**

<table>
<thead>
<tr>
<th>Campaign (Prevention and Awareness)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not on My Campus (Promoting Sexual Assault Response and Education)</td>
<td>All UNM Students</td>
<td>Annually</td>
</tr>
<tr>
<td>Consent. Get It. (Promoting importance of getting Consent)</td>
<td>All UNM Students</td>
<td>Annually</td>
</tr>
<tr>
<td>Protect the Pack (Promoting Bystander Intervention)</td>
<td>All UNM Students</td>
<td>Annually</td>
</tr>
</tbody>
</table>

**New Student Orientation:**

<table>
<thead>
<tr>
<th>Program (Primary Prevention)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gray Area Presentation (Sexual Assault Awareness, Safety and Bystander Training)</td>
<td>All Incoming Freshman Students</td>
<td>Annually</td>
</tr>
<tr>
<td>Campaign (Prevention and Awareness)</td>
<td>Target Audience</td>
<td>Frequency</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Newsletter (Information on Sexual Assault Awareness, Title IX and Clery Information)</td>
<td>Transfer and Non-Traditional Students</td>
<td>Annually</td>
</tr>
</tbody>
</table>

**Office of Equal Opportunity:**

<table>
<thead>
<tr>
<th>Campaign (Prevention and Awareness)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Know Your Title IX (Tabling)</td>
<td>UNM Community, including prospective students</td>
<td>Several Times Annually</td>
</tr>
</tbody>
</table>

**Student Health Center:**

<table>
<thead>
<tr>
<th>Program (Awareness and Prevention)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condom Mint Program (STI Transmission Awareness)</td>
<td>UNM Community</td>
<td>Annually</td>
</tr>
<tr>
<td>Mini Presentations (Self Love, Healthy Relationships, etc.)</td>
<td>UNM Students</td>
<td>Annually</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Campaign (Prevention and Awareness Campaign)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Tabling Events on Student Health</td>
<td>UNM Community</td>
<td>Annually</td>
</tr>
</tbody>
</table>

**UNM Residence Halls:**

<table>
<thead>
<tr>
<th>Program (Awareness and Education – Primary Prevention)</th>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Educational Programs (My Anacondom, Chocolate Chip Cookie Doughmestic Violence, Sex and Vampires, etc)</td>
<td>UNM Residence Hall Students</td>
<td>Programs Occur Annually, but titles may change</td>
</tr>
<tr>
<td>Self Defense Workshop</td>
<td>UNM Residence Hall Students</td>
<td>Can Occur Annually</td>
</tr>
</tbody>
</table>

**UNM Staff and Faculty Required Training:**
### Program (Awareness and Education – Primary Prevention)

<table>
<thead>
<tr>
<th>Intersections: Preventing Discrimination and Harassment</th>
<th>All UNM Faculty and Staff</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Annual Safety Training</td>
<td>All UNM Faculty and Staff</td>
<td>Annual</td>
</tr>
</tbody>
</table>

### Active Bystander Intervention:

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

Steps to becoming an Active Bystander:

1. Notice a situation that is out of the ordinary. Does your "gut" tell you something is wrong?
2. Ask yourself if I could play a role here?
   a. If nobody intervenes, what will likely happen?
   b. Is someone else better equipped to respond?
   c. What would be my purpose of responding?
3. Assess your options for providing help. Use your words; don’t use violence to end violence.
4. Determine the potential risk(s) of taking action
   a. Are there risks to myself and/or others?
   b. Is there a low-risk option?
   c. How could I reduce risks?
5. Determine how to implement your choice(s) safely.

Examples of safe bystander interventions:

- Come up with an excuse to separate your friend from the situation
- Ask friends to assist when a situation seems to be going poorly
- Come up with some distraction if a situation is not going well

*As Lobos, you should remember to “Protect the Pack” and not let other Lobos get themselves into bad situations.*
CRIME PREVENTION SERVICES AND TIPS - (Keeping you Safe at UNM)

UNM offers crime prevention services and tips designed to keep faculty, staff and students safe. Information about these on-going no cost services is given out to new students at their incoming orientation.

Alarm System:

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

Bicycle Registration:

UNMPD strongly recommends that everyone operating a bicycle at UNM have it registered. Registration is free and valid for four years. Bicycle registration is available at the Police Department.

Blue Light Emergency Phones:

Tall blue emergency phones are located throughout campus. A UNM Student or Visitor can press the red button on these emergency phones to be in immediate voice contact with UNMPD and to set off the Blue.
Crime Prevention Materials:

Free brochures and other documents regarding crime prevention are available at the Police Department and other campus locations.

Campus Escort Service:

UNMPD offers escort services to anyone needing an escort from an on-campus location to another on-campus location 24 hours, 7 days a week. We do not give off campus escorts. For escort service call (505) 277-2241.

Campus Safety Website:

The Campus Safety Website has a myriad of safety tips and features for our UNM Community, including a link to Campus Safety 101 [http://campussafety.unm.edu/index.html](http://campussafety.unm.edu/index.html)

Lobo Guardian:

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

Lost and Found:

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

Victim/Witness Assistance Program:

Contact 841-7020.

**SAFETY TIPS FOR THE UNM COMMUNITY:**

- Walk with others at night or use the Campus Escort Service
• Should you bring a bike to campus, lock your bike with a U-Lock and take any easily removable items from your bike with you

• Do not leave your valuables unattended
• Should you bring a vehicle to campus, use some sort of theft deterrent device and do not leave items in plain sight of others who may be walking by your car
• Should you wear head-phones or ear-buds, please keep the volume low enough so that you can be aware of your surroundings
• Do not give your personal information to untrusted sources, either in person or on-line
• Be a good bystander – if you see something that does not seem right, say something or contact someone who can intervene, such as the UNMPD.

Parking & Transportation Services: Parking and Transportation Services provides lighted shelters at bus stops and offers a reliable shuttle bus system throughout the campus from remote parking areas. For additional information, call (505) 277-1930.
In accordance with the Higher Education Opportunity Act of 2008, UNM is providing mandatory fire safety information as part of this Annual Report. Detailed data for all on-campus student housing facilities can be found in Table 4 at the end of this Annual Report.

UNM’s Safety & Risk Services Department maintains information on reports of fires and fire alarms in University-owned residential halls and Student Family Housing. All of the Greek fraternity and sorority houses are owned by their respective Greek organizations rather than UNM. The Student Activities Center collects information about fires occurring in Greek housing from the fraternities and sororities.

**Fire Safety Policies and Rules**

Students who live in UNM residence halls and apartments are part of an academic community that has in place community standards to promote the well-being of all residents. The community standards include rules for fire safety, some of which are explained below. The complete Residence Hall Handbook can be found at: [https://issuu.com/unmhousing/docs/residence_hall_handbook_2016_web_ve?e=18359048/37590971](https://issuu.com/unmhousing/docs/residence_hall_handbook_2016_web_ve?e=18359048/37590971)

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

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

**Cooking and electrical appliances:** Residence hall and apartment students may bring and use in their rooms a microwave (800 watts or less), hot pot, coffee maker, rice cooker and hot air popcorn popper. Appliances with a visible heating element or which use hot oil (e.g. toasters, toaster ovens, George Forman grills) are prohibited. Possession of unauthorized cooking or heating appliances may result in disciplinary action, including imposition of a fine if use damages the room or apartment. Halogen lamps are prohibited in residence halls and apartments because they pose a fire hazard.

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

Residents should report all fires or other emergencies to the 24-hour Student Resident Center Desk by telephone. Residents may also report a fire directly to the fire department by calling 911. The Student Resident Center Desk is staffed on a 24-hour basis to respond to emergencies.

Residence hall/apartments conduct four fire drills each academic year (typically two per semester). When a fire alarm sounds in the event of a fire drill or an actual fire, residents must follow established building evacuation procedures as follows:

- All residents and guests are required to exit the building
- Close all room windows and open draperies
• Grab a blanket or towel to prevent smoke inhalation
• Leave room as quickly as possible and proceed to designated exit
• Leave ceiling lights in room on
• Lock your door and take your room key with you
• Don’t go out through emergency exits, unless it is truly an emergency or fire
• Once you are outside of the building move at least 100 feet away from the building to your designated safe area and stay until a signal to return is given by a residence hall staff member
• Stay clear of fire lanes and hydrants
• Do not remove or alter electrical fixtures or hardware

UNM strives to educate residential students about fire safety. Resident Advisors (student staff who live in each residence hall and apartment complex) attend training provided by UNM’s Safety & Risk Services Department on responding to emergency situations, including fires. The training includes how to evacuate the halls and use of the fire extinguishers located in residence halls and apartments. All students living in residence halls and apartments attend mandatory meetings each semester with their Resident Advisors to review fire safety materials and Resident Advisors discuss fire evacuation plans for their specific residence halls.

In 2012, UNM Safety & Risk Services began working with Residence Life to expand the type and amount of safety training for staff and Resident Advisors as well as housing maintenance. The training includes an on-line training video and a “smoke house” session where RA’s are trained on how to react to a smoke-filled building. UNM Safety & Risk Services continues to provide building familiarization for the local fire department. This is an ongoing collaboration with the local fire department given building upgrades.

The Student Family Housing complex consists of 200 apartments located a three-minute drive south of the main campus. Student Family Housing is designed for UNM students with spouses, domestic partners or families. Student Family Housing has on site management staff and Community Resident Assistants who receive training in fire safety and evacuation procedures.

Normal small electrical appliances are approved for use in Student Family Housing. Electric heaters and air conditioners and other large electrical appliances are not permitted.

Student Family Housing prohibits the burning or possession of candles, incense, kerosene lamps, lighter fluid, propane or charcoal in apartments or under covered patios. Student Family Housing is also a smoke free environment so that residents and their visitors are not allowed to smoke in apartments, or on porches, patios, balconies, and adjacent areas. The complete Residence Hall Handbook can be found at: http://housing.unm.edu/student-family-housing/

Lobo Village and Casas del Rio are owned and managed by American Campus Community (ACC), in partnership with Residence Life & Student Housing. Table 2. shows 2015 Fire Statistics for UNM Student Residential Facilities, and includes information about Lobo Village and Casas del Rio. Students residing in either of these complexes can look to ACC’s lease and resident handbook for information on rules and policies about fire safety. Lobo Village permits smoking inside apartments and in designated outside areas. Casas del Rio does not permit smoking anywhere on property. Neither Lobo Village nor
Casas del Rio permit smoking inside their respective club house, office areas or amenities. The use of candles or other burning or smoking devices (including hookahs and shishas) are prohibited in both complexes. Residents with questions can contact the Lobo Village or Casas del Rio offices.

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

- Provide timely, consistent and effective inspections and testing of building Fire Alarm and Fire Suppression Systems by establishing procedures for conducting and documentation of the required inspections and testing in TMA
- Ensure that all UNM on/off campus buildings have current and accurate evacuation maps, by conducting onsite verification of building lay-out and fire system components, annually and after remodels that alter building layouts
- Update the New Employee Orientation SRS presentation on an ongoing basis to insure that new employees are aware of fire safety measures
- Provide fire safety information at Welcome Back Days
- Coordinate with first responder agencies in the vicinity of branch and satellite campuses to insure that fire safety issues are addressed
- Continue to submit the annual fire safety capital report to the Board of Regents
- Improve and streamline the collection and retention of data and statistics on fire-related incidents, to respond to Cleary Act requirements
- Continue to assist with the loss prevention and control inspections by conducting inspections and submitting reports in a timely manner to the SRS Risk staff
- Continue to provide fire safety support to Special Events to include Gathering of Nations, Bull Riding, sporting events, commencement, etc.
- Provide fire extinguisher training to different stakeholders throughout campus
- Follow the requirements of the UNM-AFD MOU to insure coordination with AFD
- Organize and implement fire drills for all buildings, including branch and satellite campuses, to insure that designated evacuation procedures are being followed, including: timely and complete evacuation, following the correct route to the designated muster point
- Closely monitor the fire safety vendors to insure that inspections and services are conducted in an appropriate, efficient and regularly scheduled basis
- Continually update the SRS website to insure that current fire safety information is available to the UNM community
- Actively review remodel and new construction plans to insure compliance with fire code.

**GREEK HOUSING**

UNM’s Greek community hosts 24 fraternity and sorority chapters. Of those 24 chapters, eight chapters own and manage chapter houses where members of the fraternity or sorority may reside. These Greek houses are within the UNM campus but they are neither owned nor managed by the University. Chapter houses are owned by the Greek organizations themselves. All of the fraternity and sorority chapters that own houses are affiliates of their respective national Greek organizations which set rules and policies governing chapter houses.
Chapter houses are required to be inspected annually by the Albuquerque Fire Department and must conduct one fire drill each semester. The UNM Student Activities Center collects reports of fires occurring in Greek housing. In 2015, no reported fires occurred in any fraternity or sorority chapter houses.

Information about fire safety in the eight fraternity and sorority chapter houses where UNM Greek students resided in 2015 can be found at the end of this report in Table 1.
University of New Mexico Campus Crimes

The following tables contain statistics for Clery reportable crimes that have occurred within UNM’s Clery reportable geography and has been gathered from the Clery Act Compliance Officer, UNMPD, Campus Security Authorities (CSAs) and Surveys sent to Local Law Enforcement Agencies. The data encompasses the following information within UNM’s Clery Geography, as defined by the Clery Handbook unless otherwise noted:

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

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

**Rape** – is the carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

**Fondling** - is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

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

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

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

**Aggravated Assault** – is an unlawful attack by one person upon another for 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** – is the unlawful entry of a structure to commit a felony or a theft. This category does include thefts from automobiles.

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

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

**Domestic Violence** (Per Policy 2740) - Under state law, domestic violence is defined a felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent or a child, or a person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. In
addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order or protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.

**Dating Violence (Per Policy 2740)** – Under New Mexico Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

**Stalking (Per Policy 2740)** – Under New Mexico law, “stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

**Violence Against Women’s Act (VAWA) Definitions for Domestic Violence, Dating Violence and Stalking**

**Domestic Violence:**

A felony or misdemeanor crime of violence committed by:

a. A current or former spouse or intimate partner of the victim or

b. A person with whom the victim shares a child in common

c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner

d. 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

e. Any 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 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:

a. Dating Violence includes, but it is not limited to, sexual or physical abuse or the threat of such abuse.

b. Dating Violence does not include acts covered under the definition of Domestic Violence.

**Stalking:**

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

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

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

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

**Non-Campus Property** - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This would include buildings not located reasonably contiguous to UNM, such as Mesa Del Sol, student groups or teams staying at a location for more than one night and off-site courses taught away from UNM, just to name a few examples.

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

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

**Unfounded Crimes** - Crimes that the UNMPD have found to be baseless or false through investigation by their department. Only the UNMPD can unfound a crime. Other Clery Reported incidents may have been found not to have occurred through other investigatory agencies, but still must be classified as a Clery Reported Crime on our UNM Crime Statistics.
<table>
<thead>
<tr>
<th>Crime Classifications</th>
<th>On Campus Property</th>
<th>Non Campus Property</th>
<th>Public Property</th>
<th>Total Crime Statistics</th>
<th>Unfounded Crimes</th>
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- 2013 Fondling Stats were not broken out into that category and are included in the sexual assault numbers for this year.


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<th>Crime Classifications</th>
<th>On Campus Property</th>
<th>Non Campus Property</th>
<th>Public Property</th>
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### Referrals for Disciplinary Action

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### 2015 Hate Crime Table

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</tr>
<tr>
<td>Alpha Tau Omega</td>
<td>1717 Las Lomas Rd NE</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Sorority</th>
<th>Address</th>
<th>Fire Alarm System</th>
<th>Fire Suppression System</th>
<th>Inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chi Omega</td>
<td>1810 Mesa Vista Rd NE</td>
<td>Centralized smoke detector system in common areas as well as bed rooms. Fire Suppression system is also in place throughout the house.</td>
<td></td>
<td>2 per year (spring and fall)</td>
</tr>
<tr>
<td>Kappa Kappa Gamma</td>
<td>1620 Mesa Vista Rd NE</td>
<td>Centralized smoke detector system in common areas as well as bed rooms. Fire Suppression system is also in place throughout the house. Pull stations in main hallways and common areas.</td>
<td></td>
<td>2 per year (spring and fall)</td>
</tr>
<tr>
<td>Phi Gamma Delta (Fiji)</td>
<td>1801 Mesa Vista Rd NE</td>
<td>Centralized smoke detector system in common areas as well as bed rooms. Fire Suppression system is also in place throughout the house. Pull stations in main hallways and common areas.</td>
<td></td>
<td>2 per year (spring and fall)</td>
</tr>
<tr>
<td>Pi Beta Phi</td>
<td>1701 Mesa Vista Rd NE</td>
<td>Centralized smoke detector system in common areas as well as bed rooms. Fire Suppression system is also in place throughout the house. Pull stations in main hallways and common areas.</td>
<td></td>
<td>2 per year (spring and fall)</td>
</tr>
<tr>
<td>Pi Kappa Alpha</td>
<td>700 University Blvd. NE</td>
<td>Centralized smoke detector system in common areas as well as bed rooms. Fire Suppression system is also in place throughout the house. Pull stations in main hallways and common areas.</td>
<td></td>
<td>2 per year (spring and fall)</td>
</tr>
<tr>
<td>Fraternity</td>
<td>Address</td>
<td>Fire Alarm</td>
<td>Sprinkler</td>
<td>Smoke Detector</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Sigma Alpha Epsilon (have been suspended from UNM till 2017)</td>
<td>1811 Mesa Vista Rd. NE</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Sigma Chi</td>
<td>1855 Sigma Chi Rd. NE</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Lambda Chi Alpha</td>
<td>1815 Sigma Chi Rd. NE</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Phi Gamma Delta (Fiji)</td>
<td>1712 Sigma Chi Rd. NE</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Latest Update 3/23/16
### University of New Mexico, Campus Safety Right-To-Know for Calendar Year 2015
### UNM and ACC Residence Halls Fire Report – Table 2

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Building Number</th>
<th>Address</th>
<th>(A) (i) Number of fires and cause of each fire</th>
<th>(A) (ii) Number of injuries related to a fire that resulted in treatment at a medical facility</th>
<th>(A) (iii) The number of deaths related to a fire.</th>
<th>(A)(iv)The value of property damage caused by a fire.</th>
<th>(B) A description of each on-campus student housing facility fire safety system, including the fire sprinkler system</th>
<th>(C) The number of regular mandatory supervised fire drills</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STUDENT FAMILY HOUSING</strong></td>
<td>317 - 329</td>
<td>961 BUENA VISTA SE</td>
<td>No reported fires during this reporting period</td>
<td>18 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>Local smoke detectors in apartment bedrooms only; System smoke detectors in common areas of each unit. The System smoke detectors and exterior pull stations alarms reports to main office and notifies Campus Police. No fire sprinklers in any of the apartments.</td>
</tr>
<tr>
<td><strong>ALVARADO HALL</strong></td>
<td>157</td>
<td>2800 CAMPUS BLVD. NE</td>
<td>No reported fires during this reporting period</td>
<td>0 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>Local smoke alarms in dormitory rooms; manual pull stations at all exit doors; system smoke detectors in common areas. Activation of pull station or system detector reports to the Student Residence Commons and notifies Campus Police. No fire sprinklers.</td>
</tr>
<tr>
<td>Building</td>
<td>Room</td>
<td>Address</td>
<td>No reported fires during this reporting period</td>
<td>Total fire alarm activations</td>
<td>No reported fire or smoke responses</td>
<td>No reported fire or smoke responses</td>
<td>Total Cost</td>
<td>Fire Sprinkler System</td>
</tr>
<tr>
<td>-------------------</td>
<td>------</td>
<td>--------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------------</td>
<td>-------------------------------------</td>
<td>------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>SANTA CLARA HALL</td>
<td>61</td>
<td>2600 CAMPUS BLVD. NE</td>
<td>No reported fires during this reporting period</td>
<td>0 total fire alarm activations, NO reported fire or smoke responses.</td>
<td>1 total fire alarm activations, NO reported fire or smoke responses.</td>
<td>$0</td>
<td>Full fire alarm system. In room smoke alarms in dormitory rooms ring local only with superv signal to SRC. Common areas have system smoke detection with and pull stations at exit doors that will activate general alarm signal the SRC desk as well as Campus Police. No fire sprinklers.</td>
<td>4 per year</td>
</tr>
<tr>
<td>CORONADO HALL</td>
<td>155</td>
<td>301 GIRARD BLVD. NE</td>
<td>No reported fires during this reporting period</td>
<td>0 total fire alarm activations, NO reported fire or smoke responses.</td>
<td>3 total fire alarm activations, NO reported fire or smoke responses.</td>
<td>$0</td>
<td>Local smoke alarms in dormitory rooms, manual pull stations at all exit doors, System smoke detectors in common areas, pull stations, smoke detectors or a sprinkler activation reports to SRC Commons notifies Campus Police. Fire sprinkler system in basement only.</td>
<td>4 per year</td>
</tr>
<tr>
<td>HOKONA HALL</td>
<td>58</td>
<td>2500 CAMPUS BLVD. NE</td>
<td>No reported fires during this reporting period</td>
<td>0 total fire alarm activations, NO reported fire or smoke responses.</td>
<td>1 total fire alarm activations, NO reported fire or smoke responses.</td>
<td>$0</td>
<td>Full fire alarm system. In room detectors ring local only with superv signal to SRC. Common areas full detection with Pull stations will activate general alarm and SRC desk as well as Campus Police. Partial sprinklers in basement tied to fire alarm system. Fire sprinkler system in basement only</td>
<td>4 per year</td>
</tr>
<tr>
<td>Building</td>
<td>Floor</td>
<td>Address</td>
<td>Fire Responses Description</td>
<td>Fire Activations</td>
<td>Smoke Responses</td>
<td>Total Cost</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------</td>
<td>--------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>------------------</td>
<td>-----------------</td>
<td>-------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEVARGAS HALL</td>
<td>75</td>
<td>2604 CAMPUS BLVD. NE</td>
<td>No reported fires during this reporting period. 1 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>3</td>
<td>0</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LAGUNA HALL</td>
<td>74</td>
<td>2602 CAMPUS BLVD. NE</td>
<td>No reported fires during this reporting period. 1 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STUDENT RESIDENT CENTER (APTS)</td>
<td>88A-L &amp; 90A, 90B</td>
<td>301 REDONDO DR, EAST NE</td>
<td>4 reported fires. 5 total fire alarm activations. 2 reported fire or smoke responses.</td>
<td>2</td>
<td>0</td>
<td>$27,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Company</td>
<td>Building</td>
<td>No. of Fires During Reporting Period</td>
<td>Total Fire Alarm Activations</td>
<td>No. of Fire or Smoke Responses</td>
<td>Cost</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>---------</td>
<td>----------</td>
<td>-------------------------------------</td>
<td>------------------------------</td>
<td>-------------------------------</td>
<td>------</td>
<td>-----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>REDONDO VILLAGE APTS. A-E</td>
<td>193</td>
<td>300 REDONDO DR. EAST</td>
<td>No reported fires during this reporting period</td>
<td>1 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>0 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
</tbody>
</table>

Local smoke detectors in apartments only; System smoke/heat detectors in unoccupied rooms. System smoke detection in corridors. “Call Box” system notifies SRC Commons Duty Desk; General alarm activation by common area smoke/heat detectors, sprinkler activation or SRC Commons notifies Campus Police. Includes fire sprinkler system. RVA is fully sprinkled.

4 per year

<table>
<thead>
<tr>
<th>Location</th>
<th>Company</th>
<th>Building</th>
<th>No. of Fires During Reporting Period</th>
<th>Total Fire Alarm Activations</th>
<th>No. of Fire or Smoke Responses</th>
<th>Cost</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOBO VILLAGE</td>
<td>LV 3-19</td>
<td>1200 AVENIDA CESAR CHAVEZ BLVD.</td>
<td>1 reported fire during this reporting period per UNM PD reports and American Campus Community Management. Alarms were monitored off site in 2015.</td>
<td>7 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>9 total fire alarm activations. NO reported fire or smoke responses.</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Local smoke detectors in apartments only. System smoke/heat detectors in unoccupied rooms and in common areas and corridors. General alarm activation by common area smoke/heat detectors, sprinkler activation fire alarm pull station. Lobo Village is fully sprinkled. Fire Alarm notifies both UNMPD Dispatch and the City of Albuquerque Emergency 911 Dispatch Center.

4 per year Coordinated by ACC
<table>
<thead>
<tr>
<th>Building</th>
<th>Floor</th>
<th>REDONDO AND CAMPUS</th>
<th>No reported fires during this reporting period per UNM PD reports and American Campus Community Management. Alarms were monitored off site in 2015.</th>
<th>0 total fire alarm activations. NO reported fire or smoke responses.</th>
<th>3 total fire alarm activations. NO reported fire or smoke responses.</th>
<th>0</th>
<th>0</th>
<th>$0</th>
<th>Local smoke detectors in apartments only. System smoke/heat detectors in unoccupied rooms and in common areas and corridors. General alarm activation by common area smoke/heat detectors, sprinkler activation fire alarm pull station. Lobo Village is fully sprinkled. Fire Alarm notifies both UNMPD Dispatch and the City of Albuquerque Emergency 911 Dispatch Center.</th>
<th>4 per year Coordinated by ACC</th>
</tr>
</thead>
</table>

Generated by SRS using information and reports from: SRS Duty Officer, UNMPD, UNM Alarms Shop, and American Campus Communities and on site investigations by SRS.

Latest Update: 4/1/2016
UNM WEST CAMPUS ANNUAL SAFETY REPORT

Since opening its new facility in January 2010 at Rio Rancho’s New City Center, UNM West has worked to create partnerships that will enhance educational opportunities for current and prospective students, as well as the greater Rio Rancho community. The 40,000 square foot building, located at 2600 College Blvd. NE, houses general purpose classrooms, a computer lab, a common area, quiet study space and office space, including meeting areas for community groups. UNM West does not maintain any residential facilities.

Currently, UNM West offers lower and upper division (100-400-level) courses leading to degree completion. Courses are offered through various delivery methods including 16-week, 1st or 2nd 8-week, and Late-Starting/Open Learning formats during the spring, summer and fall terms. Students enjoy our flexible scheduling, which includes day, evening and weekend courses. Courses are offered in the following subject areas: American Studies, Anthropology, Astronomy, Biology, Communication & Journalism, Dance, Economics, English, History, Sociology, Psychology, Sustainability, Management, Nutrition, Philosophy, Physics, Religious Studies, and Women's Studies.

Preparing the ASFSR:

Each year the Annual Security and Fire Safety Report (ASFSR) is prepared by the Clery Act Compliance Officer, with the assistance of the individuals assigned Clery responsibilities at UNM West. This report will be distributed to all UNM Main Campus and UNM West faculty, staff and students via their UNM e-mail. Through the efforts of these entities, an annual review of the following is used to put together UNM’s ASFSR:

- A review of applicable policies that are required as part of the ASFSR
- An inventory of crime prevention and educational programming efforts that are offered by the UNM West for the campus community
- A review of the reporting avenues for the UNM Community to report crimes to at UNM West
- A reconciliation and review of the Crime Statistics that are required to be entered as part of the ASFSR
- Additionally, the Clery Act Compliance Officer will keep updated with any new initiatives or compliance information to be placed in the ASFSR, as stated by the US Department of Education.

Compiling Crime Statistics and Crime Reporting

The Crime Statistics that are included in this report are reported through one of the following areas:

- UNMPD
- Campus Security Authorities (CSAs)
  CSAs generally would include the following:
• Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

• Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

• An official of an institution who has significant responsibility for student and campus activities, such as:

The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many people, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

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

Who should UNM West Community Members specifically report Clery Crimes to:

UNM encourages faculty, staff and students who are the victim of, or witness to, any crime on the UNM West Campus to accurately and promptly report the incident to:

- Rio Rancho Police Department (RRPD) (505) 891-7226 – All members of the UNM Community including Faculty, Staff, Students and Visitors can report crimes to the RRPD.
- Joseph Moreno, UNM West Academic Program Support Manager (505-925-8686)
- Office of Equal Opportunity (OEO) (505) 277-5251 – All members of the UNM Community including faculty, staff, students and visitors can report hate crimes, sexual misconduct, stalking, domestic violence, dating violence and other discrimination based incidents to any professional staff member with OEO.
- Dean of Students Office (505) 277-3361 – All members of the UNM Community including Faculty, Staff, Students and Visitors can report crimes to the Student Conduct Officer or Dean of Students.

Anonymous and Confidential Reporting Places:

- **Student Health and Counseling (SHAC)** - Professional counselors with UNM’s SHAC are not CSAs, so that crime reports made to counselors by UNM Students are not disclosed by the counselor to the UNMPD for inclusion in the annual disclosure of crime statistics. As a matter of policy, professional counselors with SHAC, are encouraged, if and when they deem it appropriate, to inform students being counseled of the procedures for reporting crimes to law enforcement or for reporting crimes voluntarily and confidentially to a campus security authority office.

- **Counseling and Referral Services (CARS)** – Professional counselors with UNM’s CARS are not CSAs, so that crime reports made to counselors by staff or faculty are not disclosed to the UNMPD Department for inclusion in the annual disclosure of crime statistics.
Anonymous/Statistical Reporting Only Sites:

- LoboRespect Advocacy Center, the LGBTQ Resource Center and the Women’s Resource Center (WRC) – These centers are designated advocacy and support sites for those students who have experienced all types of crimes or violence including sexual misconduct. Students who utilize this centers may talk with anonymity to individuals employed at these centers. However, these centers will report the nature, date of report and general location of the incident to the Clery Act Compliance Officer in the Office of Equal Opportunity.

Not Reporting Crimes:

- Victims of crimes have the right not to report crimes to the local authorities or other departments, however UNM encourages all victims of crimes to report the incident to one of the Advocacy Centers or to either SHAC if you are a student or to CARS if you are an employee of UNM. We encourage the UNM Community to reach out to one of these areas, so that you can get the assistance you need and to understand more about the investigative process, should you elect to have the incident investigated.

Crimes that must be reported are:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Liquor Law Arrests
- Liquor Law Referrals for Disciplinary Action
- Drug Law Arrests
- Drug Law Referrals for Disciplinary Action
- Weapons Violations
- Dating Violence
- Domestic Violence
- Stalking

All Hate Crimes noted by category of bias (race, gender identity, religion, sexual orientation, ethnicity, national origin or disability), which include the following:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
• Larceny – Theft
• Simple Assault
• Intimidation
• Destruction, Damage or Vandalism to Property

Campus Security Overview

Securitas, UNM’s contracted security company, maintains a presence at UNM West during operational hours, typically 8 a.m. and 9:30 p.m. Monday-Friday, and address any issues related to security on campus. This is similar to what is provided at UNM main campus buildings, such as Zimmerman Library. The security guard is located at the front desk of UNM West and performs routine “patrols” of the interior and exterior of the building periodically during operating hours. The law enforcement agency that responds to our campus is RRPD, which does differ from UNM Main campus. RRPD does not make regular stops at UNM West. Additionally, a red security phone is available for emergency use at the front desk. UNM West does not maintain any specific programming for safety.

Access and Maintenance of Campus Facilities

UNM West is open to students and guests between 8 a.m. and 9:30 p.m. Monday-Friday, and is closed on Saturdays and Sundays. Building hours occasionally vary and are based on the course schedule for the current term. Building maintenance is provided by the UNM Physical Plant with work orders being submitted through an online process.

Emergency Notification and Timely Warning Process

UNM West uses the same Emergency Notification Process and Timely Warning Process that UNM Main does and messages can be worded as such, to avoid any undo concern between UNM Main Campus and UNM West Campus.

UNM West Policies Statement

UNM West adheres to the same policies at the UNM Main Campus, which are described in more detail under the main campus portion of this safety report, which include the following:

- UNM Faculty Disciplinary Process
- UNM Staff Disciplinary Process
- UNM Student Grievance Process
- Policy on Illegal Drugs and Alcohol
- UNM Weapons Policy

UNM West also adheres to the same Sexual Misconduct and Sexual Violence (Policy 2740) with a few minor exceptions, which are described below:

A student who experiences sexual violence or misconduct on the UNM West Campus or off-campus in Rio Rancho should contact the RRPD at (505) 891-7226. If it is an emergency, dial 911. UNM West strongly encourages individuals who have experienced sexual violence or misconduct to report the incident to law enforcement. Students may contact the UNM Main Campus Office of Equal Opportunity at (555) 277-5251 to report an assault for administrative action or for assistance in contacting law enforcement authorities in order to report an assault.
A student seeking assistance with changes to their academic situation due to experiencing sexual violence or misconduct should contact the UNM Main Campus Dean of Students Office at (505) 277-3361. The UNM Dean of Students Office is also responsible for administering the Student and Visitor Codes of Conduct and can provide information on pursuing on-campus judicial processes.

**Community and Campus Resources**

- **LoboRESPECT Advocacy Center** (505) 277-2911
  Provides a safe and welcoming environment for students to receive support and advocacy services for a number of areas.

- **Sexual Misconduct and Assault Response Team (SMART)**
  UNM’s Albuquerque Campus has a Sexual Misconduct and Assault Response Team (SMART). SMART is a victim centered, victim controlled, coordinated response team composed of community and University organizations designed to quickly respond to cases of sexual assault or abuse. Additional information can be found at SMART.unm.edu.

- **Medical and Legal Evidence Collection**
  - **Sexual Assault Nurse Examiner (SANE)**
    (505) 884-SANE (7263) 24-hour hotline
    24-hour free medical and forensic exams by trained nurses, emergency contraception, treatment for sexually transmitted infection, evidence collection, forensic photography, and follow-up services.

- **Medical and Counseling**
  - **Student Health and Counseling (SHAC)**
    (505) 277-3136 24-hour number
    Counseling, crisis intervention, and comprehensive medical services for eligible UNM students. SHAC can help expedite referrals to SANE for evidence collection.

- **Counseling**
  - **Rape Crisis Center of Central New Mexico**
    (505) 266-7711

**Academic Assistance**

- **Dean of Students Office**
  (505) 277-3361
  Dean of Students Office offers students impacted by sexual violence or misconduct assistance in navigating class issues, processing withdrawals, tuition refund appeals, scholarship and financial aid issues, and related needs aimed at supporting students.

**Additional Campus Resources**

- **Office of Equal Opportunity**
  (505) 277-5251
  UNM’s Title IX Coordinator is the Director of the Office of Equal Opportunity. OEO investigates allegations of violations of UNM’s policy prohibiting sexual harassment.

- **Women’s Resource Center**
  (505) 277-3716
  Offers programs on gender and sexuality issues. Staff also provides support to individuals who have experienced sexual violence or misconduct and provides mental health referrals for UNM students.

- **LGBTQ Resource Center**
  (505) 277-5428
  Provides service to UNM students, staff, and faculty of all gender identities and sexual orientations through support, advocacy and safety.

- **Manzanita Counseling Center**
  (505) 277-7311
  Manzanita is a counselor training facility affiliated with the Counselor Education Program in the UNM College of Education. Counseling for students, staff, and faculty is provided free of charge by advanced graduate students under the supervision of UNM faculty who are licensed professional counselors. Services are available during the academic year (fall and spring semesters) only.
Operates a 24-hour hotline and provides victim advocates and free counseling.

**UNM Counseling and Referral Services (CARS)**
(505) 272-6868  
Free counseling services for eligible UNM staff, faculty, and their spouses/domestic partners and retirees.

**Agora Crisis Center**  
(505) 277-3013  
Volunteer trained peer counselors respond to phone calls on a 24/7 hotline and can refer callers to UNM and community resources.

**Law Enforcement**

Rio Ranch Police Department (505) 891-7226
**2015 University of New Mexico West Campus Crimes**

The following tables contain statistics for Clery reportable crimes that have occurred within UNM’s Clery reportable geography and has been gathered from the Clery Act Compliance Officer, UNM West Clery Compliance Designated Individual, Campus Security Authorities (CSAs) and Surveys sent to Local Law Enforcement Agencies. The data encompasses the following information within UNM West Clery Geography, as defined by the Clery Handbook unless otherwise noted:

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

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

**Rape** – is the carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

**Fondling** - is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

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

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

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

**Aggravated Assault** – is an unlawful attack by one person upon another for 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** – is the unlawful entry of a structure to commit a felony or a theft. This category does include thefts from automobiles.

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

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

**Domestic Violence (Per Policy 2740)** - Under state law, domestic violence is defined a felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent or a child, or a person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order or
protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.

**Dating Violence** (Per Policy 2740) – Under New Mexico Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

**Stalking** (Per Policy 2740) – Under New Mexico law, “stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

**Violence Against Women’s Act (VAWA) Definitions for Domestic Violence, Dating Violence and Stalking**

**Domestic Violence:**
A felony or misdemeanor crime of violence committed by:

a. A current or former spouse or intimate partner of the victim or

b. A person with whom the victim shares a child in common

c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner

d. 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

e. Any 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 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:

a. Dating Violence includes, but it is not limited to, sexual or physical abuse or the threat of such abuse.

b. Dating Violence does not include acts covered under the definition of Domestic Violence.

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

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

**On Campus Property** - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including Sandoval Regional Medical Center (SRMC).

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Non-Campus Property** - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Unfounded Crimes** - Crimes that the RRPD have found to be baseless or false through investigation by their department. Only the RRPD can unfound a crime. Other Clery Reported incidents may have been found not to have occurred through other investigatory agencies, but still must be classified as a Clery Reported Crime on our UNM Crime Statistics.
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<th>Crime Classifications</th>
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<th>Non Campus Property</th>
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- 2013 Fondling Stats were not broken out into that category and are included in the sexual assault numbers for this year.
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*UNM West Numbers include numbers for the Sandoval Regional Medical Center (SRMC)*
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