# 2019 Annual Safety Fire and Security Report

## Table of Contents

**Annual Safety Fire and Security Report (ASFSR)**
- Purpose, Availability and Preparing the Report ................................................................. PG. 3

**Collecting, Classifying, Counting and Reporting of Clery Crimes Statistics**
- How Are Crimes Included into the ASFSR .......................................................... PG. 4
- Who Should You Report Crimes to at UNM (Including Anonymous and Confidential Reporting) ......... PG. 6
- Which Crimes Must Be Reported ................................................................................ PG. 7
- Reporting to UNM Campus Police (Authority to Arrest, Jurisdiction, MOU’s) .......... PG. 8
- Reporting Off Campus Crimes ..................................................................................... PG. 10

**ISSuing Campus Alerts**
- Lobo Alerts (Emergency Notifications) .......................................................... PG. 11
- Lobo Advisory (Timely Warnings) ................................................................. PG. 13
- Security and Access to the UNM Campus .......................................................... PG. 14

**UNM Policy and Processes:**
- Procedures to Follow in Case of a Case of Sexual Misconduct, Including Sexual Assault Dating Violence, Domestic Violence and Stalking .................................................. PG. 16
- Investigative and Discipline Procedures ........................................................................ PG. 20
- Discipline Process (Faculty) ...................................................................................... PG. 36
- Discipline Process (Staff) .......................................................................................... PG. 40
- Discipline Process (Students) ..................................................................................... PG. 43
- Missing Student Policy ............................................................................................. PG. 54
- UNM Weapons Policy ............................................................................................... PG. 55
- Alcohol and Drug Policy ............................................................................................ PG. 56
- Sex Offender Registration ........................................................................................ PG. 59

**Educational Campaigns, Programs and Safety Prevention for Alcohol/Drug Use, Dating Violence, Domestic Violence, Healthy Relationships, Sexual Violence and Stalking**
- Programs .................................................................................................................. PG. 60
- Bystander Information ............................................................................................... PG. 63
- Definitions ................................................................................................................ PG. 64
- Crime Prevention Services and Tips ............................................................................. PG. 64

**Fires Safety Report**
- Fire Safety Policies and Rules .................................................................................. PG. 67

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

The Clery Act requires all colleges and universities across the country to publish an annual safety report by October 1 of each year. This report informs the respective campus communities of Clery reportable crime statistics for the past three years and contains institutional policies and programs that pertain to sexual misconduct, safety and crime prevention. Doing so, informs the entire University of New Mexico (UNM) Main Campus community including current and prospective faculty, staff and students of 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 Clery Act requirements. 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 upon request from the Office of Equal Opportunity (OEO) 609 Buena Vista NE, Albuquerque, NM 87131.

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

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

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

Preparing the ASFSR:

Each year the ASFSR for UNM Main Campus and UNM West/UNM Health Sciences Rio Rancho Campus is prepared by the Director of Compliance, with the assistance of the UNM Police Department (UNMPD) and the Clery Committee for UNM Main Campus. 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 UNM for the campus community;
- A review of the reporting avenues for the UNM Community to report crimes 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 Director of Compliance will keep updated with any new initiatives or compliance information to be placed in the ASFSR, as stated by the U.S. 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 for UNM Main Campus and UNM West/UNM Health Sciences Rio Rancho Campus:

- UNM Police Department (UNMPD) - (UNM Main Campus Only)
- RRPD (UNM West/UNM Health Sciences Rio Rancho Campus Only)
- Campus Security Authorities (CSAs) who handle the majority of conduct referrals at UNM, which include UNM Hospital Security, UNM Residence Halls, ACC Properties and the Dean of Students Office.
  - CSA’s other than those mentioned above report crimes through the CSA Reporting form, which is found after logging into the CSA Member Profile in the upper right of the following website: https://police.unm.edu/
- Campus Surveys are also sent on an annual basis to all CSAs and applicable local law enforcement officials (according to UNM’s Clery Geography), as determined by the Clery 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 CSAs 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 CSAs include a faculty member who does not have any responsibility for student and campus activities beyond the classroom, clerical staff, custodians, maintenance personnel and cafeteria staff.

Who should UNM Community Members specifically report Clery Crimes to?

It is preferred that UNM students who are the victim of, or witness to, any crime on the UNM Main Campus accurately and promptly report incidents to UNMPD (505-277-2241). Should the incident occur at UNM West/UNM Health Sciences Rio Rancho Campus, students should accurately and promptly report incidents to the RRPD (505-891-7226). Whether you are on the UNM Main Campus or on the UNM West/UNM Health Sciences Rio Rancho Campus, you can also report to one of UNM’s Anonymous/Statistical Reporting Sites, which include:
LoboRESPECT Advocacy Center (505) 277-2911, the LGBTQ Resource Center (505) 277-5248, and the Women’s Resource Center (WRC) (505) 277-3716 – These centers are designated advocacy and support sites for those students who have experienced all types of crimes or violence including sexual misconduct. Students who utilize these centers may talk with anonymity to individuals employed at these centers. However, these centers will report the nature, date of report and general location of the incident to the Clery Act Compliance Officer in the UNM Compliance Office.

It is preferred that UNM faculty and staff who are the victim of, or witness to, any crime on the UNM Main Campus to accurately and promptly report incidents to UNMPD (505-277-2241). Should the incident occur on the UNM West/UNM Health Sciences Rio Rancho Campus, it would be reported to the RRPD (505-891-7226). Whether on the UNM Main Campus or on the UNM West/UNM Health Sciences Rio Rancho Campus, UNM faculty or staff can also report an incident to the:

- 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.

However, UNM encourages accurate and prompt reporting of all crimes to campus police or appropriate police agencies when the victim of a crime elects to or is unable to make such a report. Here is a listing of all the agencies that individuals can report crimes to and the reports will be provided to the Clery Officer for statistical reporting purposes:

- UNMPD (505-277-2241) – All members of the UNM community including faculty, staff, students and visitors can report crimes to UNMPD.
- To your local police department if you are not located on the UNM Main Campus.
- UNM Hospital Security (505-272-2160) - All members of the UNM community including faculty, staff, students and visitors can report crimes to UNM Hospital Security.
- Office of 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 Department – 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, Confidential and Voluntary Reporting:

As part of our UNM process, we encourage all individuals to report crimes, however, when the victim or witness of a crime on the UNM Main Campus or UNM West/UNM Health Sciences Rio Rancho Campus elects to or is unable to make such a report to UNMPD or their respective law enforcement agency; but wants it included as a statistic in the ASFSR, that individual can voluntarily make a confidential report by using one of the following reporting avenues below:

Anonymous, Confidential and Voluntary Reporting Sites (A person who reports a Clery crime to a counselor will not have that information shared beyond the counselor, unless there is a health and safety issue that legally permits sharing beyond a counselor):

- **Student Health and Counseling (SHAC)** Phone Number: (505) 277-3136 Website: [https://shac.unm.edu/counseling/index.html](https://shac.unm.edu/counseling/index.html) - 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 UNMPD or the Clery Act Compliance Office for inclusion in the annual disclosure of crime statistics. However, professional counselors with SHAC are required, when informed about crimes involving students, to inform the student being counseled of the procedures for reporting crimes to law enforcement or for reporting crimes voluntarily and confidentially to a CSA office or to the Office of Equal Opportunity (OEO).

- **Counseling and Referral Services (CARS)** Phone Number: (505) 272-6868 Website [https://cars.unm.edu](https://cars.unm.edu) – Professional counselors with UNM’s CARS are not CSAs, so that crime reports made to counselors by staff or faculty are not disclosed to UNMPD for inclusion in the annual disclosure of crime statistics.

Anonymous, Confidential and Voluntary Statistical Reporting Only Sites (A person who voluntarily reports Clery crimes to one of the following areas, will only have de-identified information shared with the Clery Act Compliance Officer – meaning your name will not be reported, unless you would like it reported):

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

- **LGBTQ Resource Center** – Phone Number: (505)277-5428 Website: [https://lgbtqrc.unm.edu](https://lgbtqrc.unm.edu)
- **LoboRESPECT Advocacy Center** – Phone Number: (505)277-2911. Website: [https://loborespect.unm.edu/](https://loborespect.unm.edu/)
- **Women’s Resource Center** – Phone Number (505)277-3716. Website: [https://women.unm.edu](https://women.unm.edu)

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

- UNM Ombuds Office – Ombuds Services supplements existing compliance and formal reporting channels by offering a place where faculty and staff can talk privately about building communication and collaboration. They provide a variety of informal services to assist employees in preventing and/or resolving any workplace conflicts efficiently and effectively. They work with faculty and staff and their supervisors or coworkers. They listen respectfully and emphasize collaboration and fair consideration of all sides of an issue. Phone Number: (505) 277-2993 Website http://ombudsforstaff.unm.edu/index.html

Confidential and Voluntary On-Line or Telephone Reporting Sites (Should the information from one of the three on-line or telephone reporting sites have enough detail that it is a Clery reportable crime, then this de-identified information will be shared with the Clery Act Compliance Officer by UNMPD or via one of the investigative agencies that handles Ethics Points reports):

- UNMPD’s Anonymous Tip or Incident Form by going to the following website: https://police.unm.edu/default.aspx?MenuItemID=155&%20MenuGroup=Public+Home
- UNMPD Phone Line – (505)277-2241 Individuals can make anonymous calls to this phone number, to report any type of crime
- Any member of the UNM community may also report an anonymous tip to UNMPD through the LoboGuardian Application on their smart phone, by going to the following site and downloading the application: http://loboguardian.unm.edu/ Students will need to search and download the Rave Guardian app in the Apple App Store or the Google Play Store. Users can find more assistance for downloading this application through the following site: https://unm.custhelp.com/app/answers/detail/a_id/7313/kw/7313 (The above are the only three ways to make an anonymous report to UNMPD)
- EthicsPoint hotline by calling 1-888-899-6092 or by going to the UNM Compliance Hotline website at https://secure.ethicspoint.com/domain/media/en/gui/42682/index.html

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 available to you, 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, 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 and Overview of the UNM Police Department**

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. The UNM Board of Regents (Section 29-5-2 NMSA 1978) commissions UNMPD officers. They have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances, and campus traffic regulations, and the authority to arrest. Officers are also cross-commissioned countywide by the Bernalillo County Sheriff. Commissioned county-wide means that UNMPD officers have jurisdiction both on and off campus and throughout the entire Bernalillo County area, however UNMPD and the Albuquerque Police Department (APD) have an agreement that UNMPD patrol all UNM leased or owned property on the UNM main
campus, while APD patrols other areas outside of the UNM Main Campus. UNMPD has interoperable radio communications and can talk to police, fire and UNM Hospital during emergencies.

UNMPD investigates complaints of on-campus criminal activity, working closely with the Bernalillo County Second Judicial District Attorney’s Office to ensure effective prosecution. UNMPD is cross-commissioned within Bernalillo County and enforces state laws and regulations in the fraternity/sorority and student housing areas. In addition, UNMPD has written agreements with the APD and the Rio Rancho Police Department (RRPD) concerning law enforcement and criminal investigations on city and state property. By statute, New Mexico State Police already has jurisdiction to enforce state laws and has arrest authority within the entire state of New Mexico, which includes the UNM Main Campus and UNM West/UNM Health Sciences Rio Rancho.

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

UNMPD encourages all faculty, staff, and students who are the victim of, or witness to, any crime on the UNM Main Campus to accurately and promptly report all crimes to UNMPD or to the appropriate police agencies, when the victim or witness of a crime elects to or is unable to make such a report to UNMPD. The UNM Community can also submit an anonymous tip to UNMPD through the following avenues:

- UNMPD’s Anonymous Tip or Incident Form by going to the following website:
- UNMPD Phone Line – (505)277-2241. Individuals can make anonymous calls to this phone number, to report any type of crime

Any member of the UNM community may also report an anonymous tip to UNMPD through the LoboGuardian Application on their smart phone, by going to the following site and downloading the application: http://loboguardian.unm.edu/ Students will need to search and download the Rave Guardian app in the Apple App Store or the Google Play Store. Users can find more assistance for downloading this application through the following site:
https://unm.custhelp.com/app/answers/detail/a_id/7313/kw/7313

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 UNMPD. If you use a cell phone to dial 911, the call will be received by APD, but will be transferred 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. UNMPD is equipped with a Telephone Device for the Deaf (TDD), at (505) 277-0888 for 24-hour service.

Blue Light Emergency telephones, which are direct lines to UNMPD Dispatch, are located throughout the UNM campus. You may use the emergency telephone by pressing the red button. UNMPD 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.

Crimes committed off the UNM Main Campus should be reported to the appropriate police agency (APD, 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, UNMPD maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

**Daily Crime Log:**

UNMPD maintain a Daily Crime Log of all reported by crimes reported by CSA’s on the UNM Main Campus, which includes:

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

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

This information is public information and can be found on the following website:  

**Campus Security Overview – UNM West/UNM Health Sciences Rio Rancho Campus**

The Sandoval Regional Medical Center security team is responsible for 24/7 patrol of the UNM West Building. Additionally, there are duress buttons located at appropriate locations for UNM West/UNM Health Sciences Rio Rancho Campus Staff to signal SRMC Security for assistance, if needed. The law enforcement agency that has arrest authority, jurisdiction and responds to UNM West/UNM Health Sciences Rio Rancho Campus is the RRPD, which does differ from UNM Main Campus. UNMPD does not have arrest authority at UNM West/UNM Health Sciences Rio Rancho Campus. UNM West/UNM Health Sciences Rio Rancho Campus students get the same training on safety prevention, as UNM Main Campus students do.

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

There are no known UNM Student organizations that operate, own or control any off-site facilities. However, there are a number of recognized student groups at UNM. It is possible at some point during the year; that 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. APD does not routinely notify UNMPD of incidents that involve students who live within Albuquerque Police Department’s jurisdiction.
Some UNM students live in off-campus apartments that are within close proximity to the campus. Albuquerque Police Department has primary jurisdiction in these areas. UNMPD responds to incidents that are close to the campus when requested to do so by the Albuquerque Police Department.

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**Emergency Notification Processes**

UNM is required, as appropriate, to issue Emergency Notifications (Alerts) or Timely Warnings (Advisories) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act). For more information, see UAP 2745 (“Clery Act Compliance”). Current processes are being reviewed to add to the Emergency Control Policy.

**Emergency Notification (Lobo Alert)**

Emergency Notifications (Alerts) notify the campus community, including UNM West/UNM Health Sciences Rio Rancho Campus, of any significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. If UNMPD determines and verifies that a situation is an immediate threat to the health and safety of students or employees, it will without delay decide if an emergency notification is warranted and will craft a message that takes into account the safety of the UNM community and determine the content of the notification.

Once an emergency has been reported to UNMPD, the on-call UNMPD Command Staff individual will make the determination to activate an Emergency Notification (Lobo Alert). The on-call individual may use the assistance of the University Communications and Marketing Department (UCAM) in creating the wording of the message for the UNM community. This message will include safety precautions to take, where the problem exists and what areas to avoid to keep themselves safe. UNMPD in collaboration with first responders will make an assessment if only a segment (based on whether the range of the threat is isolated to a specific area of campus) of the campus needs to take action and that information will be included within the e-mail notification sent out to all individuals with at unm.edu e-mail address. The UNM Communications Director will notify, as appropriate, the local news media and inform the local community via UNM’s social media accounts.

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

Some examples of Emergency Notifications (Alerts) are:

- Approaching extreme weather
- Hostile Threat
- Bomb threat
- Explosion, fire, or gas leak
- Serious health-related outbreak
- Riot
- Terrorist incident
Emergency Drills, Testing and Evacuation Procedures:

Emergency Management at the University of New Mexico and UNM West/UNM Health Sciences Rio Rancho Campus

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

Each campus within the UNM system maintains an emergency management program. Within the context of these programs, each campus develops and distributes emergency response procedures to students and employees. These procedures are maintained and distributed in a variety of ways. Some campuses post the information in hallways and classrooms; others have this information available on their website. Pamphlets and brochures with emergency response information are available both on UNM main campus and UNM West/UNM Health Sciences Rio Rancho Campus through the campus’s security or police department.

Drills, Exercises, and Training

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

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

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 emergencies.
- UNM will conduct tabletop exercises of emergency responses every year, with the exception of the year that the live exercise is implemented.
- UNM will evaluate these exercises upon their completion to understand their effectiveness and evaluate the goals of each test.

Enrollment for Lobo Alerts:

All faculty, staff and students are automatically enrolled into receiving Lobo Alerts. If a student did not provide a cell phone number on their application or changes their cell phone number and would like to receive the text message alerts, they can update their information by going to https://loboalerts.unm.edu/
Community members can sign up for Lobo Alerts by going to:
https://www.getrave.com/login/unmcommunity

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**Timely Warning Processes**

When a Clery Act crime is committed within UNM’s Clery geography, including UNM West/UNM Health Sciences Rio Rancho Campus, and the situation poses a serious or continuing threat, the Emergency Manager or UNMPD will issue a Timely Warning (Advisory) to promote safety and aid in the prevention of similar crimes on campus. The Timely Warning (Advisory) 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.

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

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

The determination of a “serious or continuing threat” is made by the on-call Command Staff individual at UNMPD. Once the determination of a serious and continued threat has been made, the on-call Command Staff individual will activate the Timely Warning (Lobo Advisory) and may use the assistance of UCAM in crafting the wording of the message for the UNM community.

A decision as to whether to issue a timely warning and to what segment of the UNM community to advise, will be made on a case-by-case basis in light of all the facts surrounding a crime, including:

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

The Timely Warning will be sent out via the UNM Lobo Alert system, which includes an initial text alert sent out to all members of campus, who have not opted out of receiving the text, followed up by an e-mail notification to all individuals who have a unm.edu e-mail address or members of the community who have signed up through the community site. The UNM Communications Director will notify, as appropriate, the local news media and social media to inform the community outside of UNM.

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

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

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

Security and Access to the UNM Main Campus:

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.

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

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

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

Apartments are accessed via key access to each unit.

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

Resident Advisors are available in each unit to assist students. Students living in the residence halls are briefed on UNM Residence Hall policies, fire safety information and on crime prevention techniques at orientation/floor 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 fall semester UNM performs a Safety Walk, where students, faculty, and staff members evaluate the lighting and other safety hazards around the UNM Main Campus. Results of this walk are submitted to the appropriate offices on our campus, so 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 for both UNM Main and UNM West/UNM Health Sciences Rio Rancho Campus. The UNM Facilities Management Department routinely evaluates the maintenance and safety of its buildings periodically throughout the year. Additionally, the UNM Facilities Management Department 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

**Security and Access of Campus Facilities to UNM West/UNM Health Sciences Rio Rancho Campus**

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

A student who experiences sexual violence or misconduct on the UNM West/UNM Health Sciences Rio Rancho Campus or off-campus in Rio Rancho should contact the Rio Rancho Police Department at (505)
If it is an emergency, dial 911. UNM West/UNM Health Sciences Rio Rancho Campus strongly encourages individuals who have experienced sexual violence or misconduct to report the incident to law enforcement. Students may contact the UNM Main Campus Office of Equal Opportunity at (505) 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 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.

Procedures to follow if a crime of Sexual Assault, Domestic Violence, Dating Violence or Stalking (Sexual Misconduct) has occurred

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

First Steps to Consider:

- **Get to a safe place**
- **Preserve all physical evidence of the assault, even if you are unsure whether you want to report the crime.**
  - Don't shower or wash clothing
  - Save all text messages, emails, social media postings (taking screenshots can be helpful) or anything else that might relate to the assault, or that might be helpful later in reconstructing a timeline of events.
  - Write down the names of people who might have seen you immediately before or after, as it is easy to forget names or locations.
  - Even if you do not want to participate in the investigative process now, you might later change your mind, so it is helpful to preserve as much information as possible. This also may be helpful in obtaining a restraining order.
- **Obtain a forensic exam**
  - UNMPD or the local police authority can provide transportation, even if you do not want to file a police report!
- **Go to a nearby hospital or medical center for medical attention**
- **Call a trusted friend, family member, or someone else who can provide emotional support.**
- **Contact a resource center to help you navigate your options**
- **Contact a University Survivor Advocate**

For help 24 hours a day, contact the LoboRESPECT Advocacy Center | (505) 277-2911

Getting Medical Attention:

- **Albuquerque Sexual Assault Nurse Examiner (SANE)**
Off Campus. Located at 625 Silver Ave SW, Albuquerque, NM
(505)884-SANE (7263) (24-hr dispatch)
24-hour free medical and forensic exams by trained nurses; emergency contraception; treatment for sexually transmitted infection; evidence collection; forensic photography; follow-up services. UNMPD can provide transportation, even if you do not want to file a police report! SANE may be able to collect evidence within 5 days of an assault.

Reporting the Sexual Misconduct (Including Dating Violence, Domestic Violence and Stalking)

Although the University strongly encourages all members of the community (faculty, staff and students) to immediately report sexual misconduct to law enforcement, you have a choice to make such a report, or you can decline to involve the police. Whether or not anonymity is requested, information about sexual violence and misconduct will be treated privately and only be shared on a need-to-know basis, and as authorized under University policy and applicable federal and state law. However, should you wish to report an incident of Sexual Misconduct, you can review the following chart.

<table>
<thead>
<tr>
<th>REPORTING INCIDENTS OF CRIMES OF VIOLENCE INCLUDING SEXUAL MISCONDUCT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal Reporting Options</strong> (Should you wish to pursue this incident criminally)</td>
</tr>
<tr>
<td>If the incident occurred on the UNM Main Campus, contact UNMPD – or your Rio Rancho Police Department (505) 891-7226 should the incident have occurred off campus or UNM West/UNM Health Sciences Rio Rancho Campus</td>
</tr>
<tr>
<td>• UNMPD can be called 24 hours a day/365 a year by calling (505)277-2241</td>
</tr>
<tr>
<td>• You can also make an anonymous report online, if desired</td>
</tr>
<tr>
<td>• You may decline to notify law enforcement authorities</td>
</tr>
</tbody>
</table>

**Anonymous Reporting and Advocacy Options** (If you are unsure you would like to pursue this administratively or criminally and want to find out your options). These resources can help you to do the following:

- LoboRESPECT Advocacy Center: (505) 277-2911 (All UNM Students)
- LGBTQ Resource Center: (505) 277-5428 (All UNM Students)
- Women’s Resource Center (WRC): (505) 277-3716 (All UNM Students)
- UNM Ombuds Services: (505) 277-2993 (All UNM Faculty and Staff)

**Counseling and Medical Reporting Options** (For medical assistance, counseling and examinations):

- Counseling and Referral Services (CARS) (505)272-6868 (Counseling for Faculty and Staff)
- Sexual Assault Nurse Examiner: (505)884-7263 (Examinations for cases of Sexual Violence for the entire UNM Community)
- Student Health and Counseling: (505) 277-3136 (Counseling for Students)
Protective and Supportive Measures:

There is detailed information that a person can find by going to the LoboRESPECT Advocacy Center, which is located at LoboRESPECT Advocacy Center, the supportive measures handout can be found at https://loborespect.unm.edu/support/supportive-measures.pdf Please see appendix A for UNM’s Protective and Supportive Measure information for students.

Faculty, Student and Staff Supportive Measures

Supportive measures, including accommodations, will be provided in writing to the complainant, regardless as to whether the complainant chooses to report the crime to UNMPD or 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.

The LoboRESPECT Advocacy Center, with the assistance of Dean of Students Office and guidance from the Title IX Coordinator has the authority to implement interim safety measures for students, as an administrative investigation is underway to ensure the safety of the campus community as a whole. The LoboRESPECT Advocacy Center and the Dean of Students Office will determine the necessity for and scope of any Interim Safety Measure prior to the completion of the University’s investigation. During Interim Safety Measures, the University will do its best to continue to allow involved students to obtain access to their education with as minimal interference as possible. Supportive measures are designed to protect the educational experience and safety of all involved, as well as the greater UNM Community. UNM will maintain the confidentiality of these supportive measures, as required by law. Protective and supportive measures may be temporary or permanent in nature.

Such measures may include:

Students can seek supportive measures at any point after an allegation, by contacting the:

<table>
<thead>
<tr>
<th>LoboRESPECT Advocacy Center (505) 277-2911, the Dean of Students Office (505) 277-3361 or to the Title IX Office (505) 277-5251</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Assistance in communicating with law enforcement and/or administrative investigative resources on campus</td>
</tr>
<tr>
<td>• Assistance in accessing counseling or health care resource both on the UNM Campus and in the community</td>
</tr>
<tr>
<td>• Academic accommodations, which may include working with professors regarding completion of coursework and with absences</td>
</tr>
</tbody>
</table>
Course accommodations, which may include changing course sections to eliminate/limit interactions between affected parties or complete withdraws should a student wish to separate from the university

Assistance with working with Financial Aid and Scholarships to help the student continue their financial assistance at UNM

Assistance with on campus housing, such as temporary or permanent room relocation for either affected party, navigation of housing contracts and other potential housing needs

Assistance with communicating with supervisors for on campus jobs, regarding work schedules and absences from work

Assistance in creating safety strategies for the student

Assistance with visa or immigration status, should there be a potential for impact on those statuses

Assistance in modifying parking on campus

Potential to impose Interim Suspensions on students or employees, who are respondents

Assistance with no-contact directives, which means students, can request to have another person not contact them directly or through other avenues. Students may also work with UNM Campus Police, should they elect to have a restraining order put into place, in addition to the no-contact directive. Should students wish to not work with UNM Police, they can work with any of our advocacy centers for direction on how to request a restraining order. Violations of no-contact directives are handled by the Dean of Students Office, while violations are restraining orders are handled by UNMPD.

UNM is currently working to expand their services for supportive measures, but they can seek supportive measures at any point after an allegation, through either:

**Counseling and Referral Services** (CARS) (505) 272-6868 [http://cars.unm.edu](http://cars.unm.edu)

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

- Will assist in developing Safety Plan options for staff

- Offers assistance in identifying specific resources, University offices, and/or policies for guidance in addressing the client’s situation.

- Offers assistance in developing options for reporting alleged violations of law or policy to appropriate personnel.

**UNM Ombuds Services:** (505) 277-2993 [https://ombudsforstaff.unm.edu](https://ombudsforstaff.unm.edu)

- Offers confidential, neutral, informal, and independent assistance in the form of one-on-one visits in which an ombuds listens, without judgment, in order to help a visitor gain deeper
understanding of his or her situation and options. While an ombuds may listen and provide a visitor with information, **the visitor is solely responsible for deciding what actions to take.**

- Offers assistance in identifying specific resources, University offices, and/or policies for guidance in addressing the visitor's situation. This includes, direction on how to obtain a no-contact directive, which means students, can request to have another person not contact them directly or through other avenues.

- Offers assistance in developing options for reporting alleged violations of law or policy to appropriate personnel.

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**Investigative and Disciplinary Procedures:**

The UNM Office of Equal Opportunity (OEO) has the responsibility of investigating all matters of Sexual Misconduct, (including, sexual harassment, domestic violence, dating violence and stalking) for faculty, staff and students. OEO’s Discrimination Claims Procedure documents how the investigative process occurs, for sexual harassment, domestic violence, dating violence and stalking) claims for faculty, staff, students, and visitors, which is as follows:

**Discrimination Claims Procedure – Office of Equal Opportunity**

UNM is committed to creating and maintaining a community that is free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, and retaliation because of participation in civil rights protected activity. The University has policies that prohibit all forms of discrimination and retaliation, and specifically prohibit all forms of sexual harassment, a form of gender discrimination that is prohibited by state and federal law (including, but not limited to Title IX of the Education Amendments of 1972). The prohibition includes sexual violence, which is considered a severe form of sexual harassment.

The University of New Mexico is committed to providing equal access to educational and employment opportunities for all individuals. The university considers the following protected statuses:

The Office of Equal Opportunity (OEO) is the independent, impartial and neutral campus entity designated to ensure compliance with all University policies that apply to civil rights including investigations of any allegations of civil rights violations. When investigating an allegation of civil rights violations, the OEO acts as the finder of fact and will prepare an investigative report at the conclusion of the investigation as described below. The OEO has no sanctioning authority. If the OEO determines that a civil rights policy has been violated, the OEO will send the investigative report to the appropriate sanctioning authority as described in VII(D)(10)(i). The OEO reports directly to the UNM President’s office to maintain optimal independence and impartiality.

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1 Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, religion, sex (gender), color, or national origin. The Pregnancy Discrimination Act (PDA) is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex (gender) in any educational program or activity receiving federal financial assistance. Both Section 503/504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination against qualified individuals with disabilities. Title IV of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex in public schools and colleges. The New Mexico Human Rights Act of 1978 and its amendments prohibit discrimination in employment on the basis of race, age, religion, national origin, sexual orientation, gender identity, spousal affiliation, ancestry, sex, physical or mental disability and serious medical condition. The Age Discrimination in Employment Act of 1974 (as amended in 1986) abolished mandatory retirement based on age and prohibits discrimination in
employment against individuals age 40 and above. Title VI of the Civil Rights Act of 1964 prohibits discrimination in student programs on the basis of race, color, and national origin. The Equal Pay Act of 1983 prohibits discrimination in salary and wages on the basis of sex (gender). The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is a federal law that establishes rights and responsibilities for uniformed service members and their civilian employers. Vietnam Era Veterans’ Readjustment Assistance Act, as amended (VEVRAA) at 41 CFR Part 60-300. VEVRAA prohibits federal contractors and subcontractors from discriminating in employment against protected veterans, and requires employers to take affirmative action to recruit, hire, promote, and retain these veterans.

The OEO staff will treat you with respect and will approach your case impartially and equitably. In fulfilling its dual tasks of educating and providing public service, the University shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. OEO, acting under the authority of UNM policies 2200(8), 2720, 2730, 2740, 2750, 2310, 2215, 3110, 3210, 3790 and Board of Regents Policy 2.3, may take necessary action to prevent, correct, and educate in relation to behavior that violates University civil rights policies or impacts the educational or employment environment. Leadership in the Office of Equal Opportunity includes the Director of OEO and ADA Coordinator, the Title IX Coordinator, and the Clery Act Compliance Officer.

This Claims Procedure is the methodology employed by OEO when processing complaints that allege violations of University policy. Some of the complaints that may be brought under this procedure may also contain allegations that qualify as alleged violations of criminal statutes. As stated above, OEO only processes alleged policy violations; it does not process alleged crimes. All persons who believe they have been the victim of a crime may report such crime to law enforcement at any time.

**DEFINITIONS**

- **Good Cause** - adequate or substantial grounds or reason to take a certain action.
- **Preponderance of the evidence** – the relevant evidence gathered during an administrative investigation that demonstrates that it is more likely than not that a policy violation occurred.
- **Evidence** – Evidence consists but of, but is not limited to, eyewitness statements, photos, video, security video, audio recordings, social media, emails, texts, cellular records, police reports, and any other information that would assist the investigator in making a finding.
- **Complainant** – the person or persons filing a complaint with OEO.
- **Respondent** – the person or persons responding to a complaint filed with OEO.
- **Witness** – Any person who may have direct or indirect knowledge of the evidence in the case.
- **Jurisdiction** – a determination that the circumstances of a matter or allegations of a complaint are such that OEO is empowered by University policy to investigate or remedy those circumstances or allegations.
- **Protected Status** – a trait or association recognized by law or policy as protected against unlawful discrimination. The University recognizes the following as protected statuses: age, ancestry, color, ethnicity, gender identity, gender/sex, genetic information, medical condition, national origin, physical or mental disability, pregnancy, race, religion, sexual preference, spousal affiliation, and veteran status.
- **COA** – Confirmation of Allegations.
- **COR** – Confirmation of Response.
- **PLOD** – Preliminary Letter of Determination.
- **FLOD** – Final Letter of Determination.
- **Closure Letter** – Notice to the parties that the investigation file has been closed.

**I. NOTIFICATION AND CORRESPONDENCE WITH OEO**
OEO generally sends official notifications and other documentation to individuals via email to official University email addresses. Individuals may request that OEO use an alternative email address or a different method of contact, but unless and until this request is made, OEO will assume that its usual practice is acceptable, and will assume that all correspondence sent to individuals’ University email addresses is received upon sending. Requests by an individual that OEO correspond with them via an email address other than their University email address must be made in writing via email to oeounm@unm.edu.

If an individual prefers to receive correspondence by mail, that preference and the individual’s preferred mailing address must be specified in writing and delivered either by email to oeounm@unm.edu, or by mail to OEO’s mailing address at 1 UNM, MSC05 3150, or by hand delivery to OEO during OEO’s regular office hours at 609 Buena Vista Dr. NE.

All correspondence sent from OEO to an individual by email is deemed received by the recipient on the date the email is sent. All correspondence sent from OEO to an individual by mail is deemed received by the recipient three business days after the date of the postmark on the correspondence.

II. RETALIATION

It is the policy of the University of New Mexico to foster an environment where faculty, staff, and students may raise civil rights claims without fear of retaliation or reprisal. All members of the University community have a right to redress for perceived violations of their civil rights. It is contrary to state and federal civil rights laws and University policy 2200(8) to retaliate against any person for asserting his or her civil rights or reporting civil rights related misconduct including sexual misconduct. These rights include notifying the University of civil rights concerns, filing a claim of discrimination, and participating as a witness in an investigation or responding to allegations of civil rights violations. Retaliation or reprisal against any participant in an investigation will not be tolerated by this institution. Retaliation against a person who seeks assistance from OEO, or files a claim of discrimination (including harassment, sexual harassment and failure to accommodate), or participates in an OEO investigation is grounds for a subsequent civil rights claim. Additionally, any participant in an investigation who is found to have intentionally misdirected an investigation, whether by falsehood or omissions, may be subject to disciplinary action consistent with University policy.

III. REPORTING CONCERNS

All members of the University community, including those below, are encouraged to contact OEO if they observe, experience or encounter conduct they believe may be related to civil rights violations.

- UNM Students
- UNM Student Employees
- UNM Staff
- UNM Faculty
- UNM Applicants
- Visitors
- Former UNM Employees/Students

Any member of the University community may notify OEO of potential civil rights violations through any of the following means:

- by completing and submitting an OEO Intake Form,
• by email (oeounm@unm.edu), fax (505-277-1356), or mail (MSC05 3150) of a written
document describing the concerns,
• via the UNM EthicsPoint Hotline Complaint Form,
• by appointment or walk-in at 609 Buena Vista Dr. NE, building 42 on the campus map.
• by telephone at 505-277-5251.

All complaints should include the following information:

1. The Complainant’s name and preferred contact information; whether they are student, staff,
faculty, applicant or a visitor to the University; and whether they are the individual whose civil
rights have allegedly violated or are a person reporting on behalf of that person (3rd party
complainant.)
2. The Respondent’s name and contact information and whether the Respondent is staff, faculty, a
student, or a visitor to the University.
3. The Complainant’s protected status.
4. The civil rights category the Complainant believes the allegations qualify for (i.e. sexual violence
or misconduct, discrimination, harassment, failure to accommodate, etc.).
5. The reasoning for the civil rights category identified and protected status.

Persons who submit complaints may be contacted by OEO to discuss the details of the concerns and may
be asked for certain factual information, including dates, times, and location of the events at issue, and
names and contact information for witnesses who may have information regarding the allegations in the
complaint.

OEO may receive information related to potential civil rights violations that may not qualify as a civil
rights policy violation but still warrant some action by the University. In these cases, OEO will determine
what informal action to take. These actions could include:

• Meeting with the Respondent to ensure they are aware of University policies and
  expectations;
• Requesting the supervisor, faculty member, department chair, or other supervising
  official monitor the environment for inappropriate behavior,
• Conduct an educational conference (as described below),
• Conduct training for a specific department or other informal means of resolution as
determined by OEO.

IV. TIMEFRAME

Individuals who believe their civil rights have been violated at the university should file a complaint
within 180 calendar days from the most recent alleged discriminatory incident. This time frame may be
extended due to the severity of the allegations (such as sexual violence) as determined by OEO.

V. JURISDICTION

OEO reviews complaints of discrimination brought by the University community to determine whether
OEO is authorized to investigate the complaints. To make this determination, OEO may interview the
Complainant about the allegations and discuss which of the three (3) available procedural options
described below the Complainant would prefer to pursue. Mediation which is not conducted by the OEO,
has been listed as a fourth procedural option and but in some circumstances may be utilized as a
resolution to a civil rights concern, or in addition to one of the procedural options offered by OEO. If the
Complainant submits concerns via mail, email or other electronic format, OEO will meet with the Complainant to gather the relevant facts. OEO reviews the information and makes a determination as to whether OEO has jurisdiction over:

1. The parties involved. OEO investigates policy violations. Therefore, the policy alleged to have been violated must apply to at least one of the persons involved in the issue raised with OEO.

2. The subject matter of the allegations underlying the complaint. OEO has jurisdiction to investigate alleged policy violations regarding civil rights. In order for OEO to have jurisdiction to investigate allegations in a complaint, the allegations must qualify on their face as a violation of one or more of the University’s civil rights policies. If the allegations in the complaint do not allege that one of the University’s civil rights policies have been violated, then OEO may not be able to accept jurisdiction. As noted above, OEO may take informal action related to allegations that do not, as alleged, violate university policy and therefore, the university and OEO encourage everyone who has any concerns related to civil rights to bring their concerns to OEO.

OEO must have jurisdiction over at least one of the parties involved and the subject matter of the allegations underlying the complaint in order to investigate. Nevertheless, even if it determines that it has such jurisdiction, neither an investigation nor the outcome of an investigation is guaranteed. Rather, OEO reserves the right to determine what action it will take to ensure the University’s compliance with civil rights policy and state and federal regulations that relate to civil rights.

OEO will notify the Complainant within five (5) business days (barring documented extenuating circumstances) of one of the following:

1. OEO has jurisdiction over the allegations.
2. OEO needs more information in order to determine jurisdiction. If the complaint lacks specificity to determine jurisdiction, OEO will seek additional information or clarification from the Complainant. If additional information or a request for extension is not provided within five (5) business days of OEO’s request, OEO will close the case for lack of jurisdiction.
3. OEO has determined that it does not have jurisdiction over the concerns. If OEO determines it lacks jurisdiction, it may take any or all of the following actions:
   a. close the inquiry;
   b. refer the case to the appropriate campus resource for issues not related to civil rights; and/or
   c. take informal action as determined by OEO to stop potentially harassing, discriminatory, or retaliatory behavior, or any other informal action intended to mitigate circumstances that, if continued, may qualify as a policy violation, including a hostile work or learning environment. OEO may partner with other University departments, as appropriate, to mitigate these concerns through educational or other informal measures.

VI. ACCEPTED JURISDICTION

If OEO accepts jurisdiction of allegations of a civil rights policy violation, OEO then notifies Complainant and Respondent that a complaint has been accepted as jurisdictional, and provides the parties the name and title of the individual assigned to process the allegations.

Upon acceptance of jurisdiction, the investigator attempts to schedule a meeting with the Complainant, if a face-to-face meeting has not already occurred. During this meeting the investigator and Complainant discuss the three (3) procedural options described below and determine which one the Complainant
prefers to pursue. Mediation which is not conducted by the OEO, has been listed as a fourth procedural
option and but in some circumstances may be utilized as a resolution to a civil rights concern, or in
addition to one of the procedural options offered by OEO. OEO takes procedural preference into account
but reserves the right to determine the option it will employ to address any concerns. Such a
determination will be made based on the circumstances presented, including the nature and severity of the
concerns alleged and whether the alleged behavior creates or may create a hostile educational or working
environment for the Complainant and/or others on campus.

VII. PROCEDURAL OPTIONS

A. Withdraw the complaint

A Complainant may elect to withdraw his or her complaint at any time after bringing concerns to OEO. If
Complainant chooses to withdraw the complaint, Complainant will be asked to sign a statement verifying
this decision. If OEO receives notice of allegations and Complainant does not respond to OEO or chooses
not to participate, OEO generally considers this as Complainant effectively withdrawing the complaint
even without a signed statement. However, even if a Complainant withdraws his or her complaint, OEO
reserves the right to continue its inquiry into the concerns independent of the Complainant in order to
ensure compliance with University policy and related state and federal regulations. OEO will notify the
Complainant within five (5) business days if any further action will be taken regarding their complaint.
OEO may take informal or formal actions as deemed appropriate to ensure a working and learning
environment free from harassment and discrimination.

B. Educational Conference

An educational conference, when selected by Complainant or deemed appropriate by OEO, is a path
designed to eliminate the alleged conduct, prevent its recurrence, and remedy its effects in a manner that
ensures compliance and the safety and welfare of the campus community. The purpose of an educational
conference is to inform Respondents that allegations have been made against them and to make them
aware of University policies and expectations of behavior. This is an informal process where an
investigation is not conducted and the allegations in the complaint are therefore neither corroborated nor
contested. An educational conference is not disciplinary in nature.

Examples of educational conferences include, but are not limited to:

- Meet with Respondent to discuss the allegations and University policy;
- Meet with Respondent and with Respondent’s supervisor separately if the allegations
  regard a work environment;
- Meet with Respondent and supervisor or other authority figure together; or
- Provide training or engage in other collaborative processes as deemed appropriate by
  OEO. The type of educational conference is selected by OEO after discussion with the
  complainant.

Once the type of educational conference is determined, OEO notifies Respondent of the alleged conduct
at issue. If requested, OEO may attempt to maintain the anonymity of Complainant; however, the
effectiveness of an education conference may be diminished if a Complainant chooses to remain
anonymous. In addition, complete anonymity may be impossible, as a Respondent may be able to identify
a Complainant based on the specific concerns raised.

After the educational conference, OEO sends follow-up correspondence to Respondent, and/or to
Respondent’s supervisor or other authority figure, documenting what action was taken by OEO. OEO
notifies Complainant of the action taken and follows up with Complainant regarding the complainant’s initial concerns in approximately three (3) months, to ensure they have been eliminated.

As with all procedural options, OEO reserves the right to determine the option it will employ in order to ensure compliance with University policy and related law and regulations. Educational conferences may not be appropriate for all forms of conduct prohibited by University civil rights policies. Educational conferences are not an available procedural option when OEO determines that an informal process is not appropriate based on the severity of allegations pursuant to Administrative Policies 2720, 2200 and 2740.

C. Mediation

OEO encourages parties to use Ombuds Faculty and Staff services at any point to develop options for resolutions and communication between the parties. Mediation may alleviate the need for a formal investigation or educational conference or may be utilized concurrently. Mediation is not an available procedural option when OEO determines that an informal process in not appropriate based on the severity of allegations pursuant to Administrative Policies 2720, 2730, 2200 and 2740.

D. Formal Investigation

Please see Addendum 1 for an abbreviated checklist of the formal investigation process that is described in detail in this section.

A Complainant may request that OEO conduct a formal investigation into alleged civil rights policy violation(s). OEO may also determine that a formal investigation is warranted regardless of Complainant’s election or participation. Please note that if the Complainant elects not to pursue an investigation or does not participate in OEO’s investigation, OEO may still conduct a formal investigation into the alleged civil rights policy violation(s) regardless of Complainant’s election or non-participation, if OEO determines that it is necessary to prevent the recurrence of the conduct and/or remedy its effects. If OEO determines that it must investigate regardless of Complainant’s election or non-participation, OEO will notify Complainant of the reasons for this determination.

Because it is empowered to investigate only those allegations of civil rights policy violations within its jurisdiction as provided by University policy, OEO reserves the right to determine whether to conduct a formal investigation as well as the specific allegations it will investigate and the manner in which it will conduct that investigation if an investigation is conducted.

1. Formal investigation process overview

The formal investigation is a neutral evidence gathering process during which OEO gathers evidence from Complainant and Respondent, any witnesses they identify, any witnesses OEO identifies, and from any other source with relevant information that OEO determines may be useful or relevant to the investigation. Both Complainant and Respondent are encouraged to provide any and all evidence and witnesses they deem relevant to their case and should consider submitting evidence that is described in the definition section above. At the completion of the investigation, based on the relevant evidence gathered and in consideration of the totality of circumstances, OEO determines whether the University civil rights policies that Complainant alleges to have been violated by Respondent have in fact been violated. The terminology used to identify OEO’s determination is POLICY VIOLATION or NO POLICY VIOLATION.

In making a determination whether a civil rights policy has been violated, OEO uses a Preponderance of the Evidence Standard. This means that a violation is deemed to have occurred when the evidence
gathered during OEO’s investigation supports the conclusion that the UNM civil rights policies under investigation “more likely than not” was violated.

2. **General statement regarding timelines for formal investigations**

Investigations of civil rights policy violations typically take approximately 60 business days to complete, but may take additional time dependent upon on the complexity of the particular claim and other extenuating circumstances. When there are factors that extend this time frame, both Complainant and Respondent are notified of the extension and OEO documents the reasons for the extension. Similarly, when circumstances dictate that any of the timelines specifically identified herein be extended, OEO notifies both Complainant and Respondent and documents the reasons for the extension.

Should Complainant or Respondent require a limited extension of any time limits applying to them as stated herein, they should submit a request as soon as they learn of the need for an extension and state the reason for the request. If good cause for an extension is provided, OEO may grant the request. If a request is granted, OEO will notify Complainant and Respondent of the length of the extension and the reason provided for the extension.

3. **The complaint**

OEO investigates complaints of violations of University civil rights policy. In this context, the term “complaint” means a perfected statement of allegations that one or more University civil rights policies were violated. A statement of allegations is considered perfected when Complainant fully and finally verifies the specific civil rights allegations and issues Complainant wants OEO to investigate, by signing and returning the Confirmation of Allegations Letter drafted by OEO that contains a recitation of those allegations.

The 60-day investigation timeline referred to above does not begin until the Complainant’s statement of allegations has been perfected and signed as described above.

4. **Modification of the formal investigation process**

This procedure may be modified in cases of severe allegations, such as sexual assault, that may potentially impact the environment or safety of members of the campus community. These modifications could include interviewing Respondent prior to Complainant perfecting the complaint or having signed the confirmation letter or interviewing witnesses or gathering evidence prior to meeting with Complainant or Respondent.

5. **Complainant Meeting**

Typically, as part of the formal investigation, OEO engages in an interview process with Complainant so that they can identify the specific allegations of civil rights policy violation(s) that Complainant wishes OEO to investigate. This interview process may consist of multiple meetings as needed.

During the interview, OEO will describe the investigative process, the rights and responsibilities of the parties and the University’s policy prohibiting retaliation. During this process, Complainant may bring any support person they wish, within reason. OEO can also arrange for an advocate from one of the University’s advocacy resources to be present to support Complainant during the OEO meeting(s), if requested.

When the interview process is complete and the specific allegations of civil rights policy violation(s) have been identified for investigation, OEO drafts and sends a Confirmation of Allegations Letter (COA) to
Complainant within ten (10) business days after completing the interview process. The COA contains a recitation of the specific allegations that Complainant asked OEO to investigate.

Complainant has the opportunity to review the allegations identified in the COA and verify that that statement of allegations is an accurate statement of the allegations Complainant desires OEO investigate. This is verified by Complainant signing and returning the COA within five (5) business days of the date Complainant receives the COA.

If, upon review, Complainant wishes to edit or make additions to the statement of allegations, Complainant must notify OEO within five (5) business days of receipt of the COA. If revisions are made to the COA, OEO will revise the document and return it to the Complainant for verification signature within five (5) business days of OEO receiving notification of the needed revisions. OEO will include and factual revisions or additions, however, retains the authority to ensure that the COA contains relevant facts that establishes jurisdictional elements. Complainant has two (2) business days from receipt of the revised COA to sign and return the COA to OEO.

If Complainant does not return the COA or respond to OEO communication, OEO accepts this as the Complainant withdrawing the complaint. However, OEO continues to reserve the right to take any action it deems necessary to ensure a working and learning environment free from harassment and discrimination.

6. **Respondent Meeting**

If a formal investigation is elected, OEO schedules a meeting with Respondent. During this meeting, OEO describes the investigation process, the rights and responsibilities of all parties, and the University’s policy prohibiting retaliation. During this meeting, Respondent may bring any support person they wish, within reason. OEO can also arrange for an advocate from one of the University’s advocacy resources to be present to support the Respondent during the OEO meeting(s), if requested.

At the initial meeting, OEO notifies Respondent of the nature and scope of Complainant’s allegations and the University policies Complainant alleges Respondent violated, and give Respondent the opportunity to provide a statement and answer questions in response to those allegations. More than one meeting may be needed in order for OEO to fully develop the response.

When the interview process is complete and the specific response has been provided by Respondent, OEO drafts and sends a Confirmation of Response (COR) to Respondent within ten (10) business days after completing the interview process, with a recitation of Respondent’s response to the allegations Complainant identified for investigation. Once received, Respondent has the opportunity to review the response statement in the COR and verify that it is accurate. Verification is accomplished by Respondent signing and returning the COR Letter.

If, upon review, the Respondent wishes to edit or make additions to the confirmation of response, Respondent must notify OEO within five (5) business days of receipt of the COR. If revisions are made to the COR, OEO revises the document as instructed by Respondent and returns it to Respondent for verification signature within five (5) business days of OEO receiving notification of the needed revisions. OEO will include and factual revisions or additions, however, retains the authority to ensure that the COR contains relevant facts that establishes jurisdictional elements. Respondent has two (2) business days from receipt of the revised COR to sign and return the COR to OEO.
If Respondent does not return the COR or respond to OEO communication, OEO moves forward with its investigation, even if it does not have Respondent’s response to the allegations or other input from the Respondent.

OEO will conduct independent Complainant and Respondent meetings, but will attempt to conduct them as close in time as possible.

7. Evidence Gathering

As part of its formal investigation, OEO gathers information it deems pertinent to the investigation. Complainant and Respondent may submit any documentation they believe should be considered, and may identify any witnesses they believe should be interviewed. Complainant and Respondent should submit any evidentiary items that are listed in the Definition section above including electronic evidence such as social media posts, audio, text and phone records. Complainant and Respondent should notify OEO as soon as possible of any electronic evidence such as surveillance or video tape and social media, in order for OEO to preserve the evidence. OEO may also identify documents and witnesses not identified by Complainant or Respondent if OEO determines that such documents may be relevant to its investigation or that the witnesses may have information relevant to that investigation. OEO may also receive information from other University offices as appropriate or review public sources such as social media or public records.

OEO has sole discretion to determine which specific allegations it will investigate and the manner in which it will conduct that investigation. As such, OEO has sole discretion to determine which witnesses and documentation will be considered, the relevance of the information to the investigation, and what, if any, weight and credibility to assign that information.

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

8. Draft Report

When its review of the evidence is completed, OEO issues a Draft Report to Complainant and Respondent simultaneously that includes: 1) Complainant’s statement, 2) Respondent’s statement, and 3) a description of the evidence gathered. Complainant and Respondent each have five (5) business days to respond to the draft report with any new factual evidentiary information they wish OEO to consider.

9. The Preliminary Letter of Determination (PLOD)

After both parties have received an opportunity to provide new factual evidence in response to this Draft Report within the stated time limit, and in consideration of any such evidence received, OEO issues a Preliminary Letter of Determination (PLOD), which includes 1) a preliminary statement regarding whether the preponderance of the evidence supports a finding that University civil rights policy has been violated, and 2) an analysis containing a description of the evidence that was considered, how it was considered, and how it relates to the preliminary finding. OEO issues the PLOD to Complainant and Respondent simultaneously.

Complainant and Respondent have two (2) business days from the date they receive the PLOD to respond. A response to the PLOD, by Complainant or Respondent, may only consist of new, not- yet-
provided information or evidence and a statement of the relevance or pertinence of that new information or evidence to the analyses, conclusions, and/or findings in the PLOD.

10. **The Final Letter of Determination (FLOD)**

If Complainant and/or Respondent submits a response to the PLOD as provided above, OEO considers the response prior to issuing a Final Letter of Determination (FLOD). If neither Complainant nor Respondent submits a response to the PLOD, or if responses do not provide any new, not-yet-considered information that requires further investigation and/or consideration, OEO issues the FLOD simultaneously to Complainant and Respondent within two (2) business days of the expiration of the timeline to respond to the PLOD.

If Complainant’s and/or Respondent’s response to the PLOD requires additional investigation and/or consideration, OEO notifies Complainant and Respondent that new, not-yet-provided information was submitted that requires additional investigation and/or consideration and endeavors to complete such additional investigation and/or consideration as quickly as practicable. Upon completion of such additional investigation and/or consideration, OEO simultaneously issues the FLOD to Complainant and Respondent.

The FLOD reflects OEO’s final determination as to whether or not the preponderance of the evidence it gathers during its formal investigation demonstrates that UNM civil rights policy has been violated as alleged by Complainant. A copy of the FLOD is kept in the file and an original is provided to both Complainant and Respondent. The FLOD contains findings and concludes whether or not discrimination, retaliation, and/or harassment has occurred in violation of University policy (stated as POLICY VIOLATION or NO POLICY VIOLATION).

10. (i.) **Sanctions**

OEO has no sanctioning authority. If OEO’s final determination is that a policy has been violated by a preponderance of the evidence, the OEO will send a copy of the Draft Report and the Final Letter of Determination to the appropriate sanctioning body on the date the Closure Letter is issued. If the Respondent found to have violated policy is a student, the Draft Report and FLOD will be sent to the Dean of Students. If the Respondent found to have violated policy is a faculty member, the Draft Report and FLOD will be sent to the Provost’s office and to the Dean of the school or specialty area where the faculty is located. If the Respondent is a staff member, the Draft Report and FLOD will be sent to Human Resources to be shared with the staff supervisor or manager. Investigative reports may also be shared with others with a legitimate business reason to be advised of the determination, including UNMPD, student conduct, residence life, Clery Coordinator, Greek Life, or athletics. OEO will determine what information and what officials must be advised of findings, in order to remedy the effects of discriminatory conduct and prevent its recurrence.

11. **Records**

In order to protect the integrity of the investigation, no documents or records are released to the Complainant or Respondent until the Draft Report is issued. The Draft Report contains a description of the documents and records OEO gathered during the investigation and will use to determine whether policy was violated.
VIII. DEPARTMENTAL INVESTIGATIONS

Please see Addendum 2 for an abbreviated checklist of the departmental investigation process that is described in detail in this section.

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

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

Departmental investigations may be initiated at OEO’s sole discretion when the totality of allegations in one or multiple reports or claims of discrimination indicates that a discriminatory environment may exist within that department. Under such circumstances, the University stands as the Complainant in the matter. A Dean of an academic area or Director of a unit may also request that OEO conduct a departmental investigation. Under such circumstances, the Department stands as the Complainant in the matter. In all such cases, OEO determines whether it is authorized by University civil rights policy to exercise its jurisdiction to investigate an alleged discriminatory environment, and at its sole discretion defines the scope of the investigation, if any is to occur.

There may exist circumstances where OEO is not authorized to exercise jurisdiction over allegations pertaining to an individual Complainant (for example, the allegations do not state violation(s) of University civil rights policy or the conduct complained about is not related to civil rights). However, there may be other factors, such as the existence of multiple complaints with similar shared facts or circumstances that are sufficient to indicate a pattern of acts that, in the aggregate, violate University civil rights policy. Under such circumstances, OEO may determine that a departmental investigation is warranted despite individual complaints not being accepted as jurisdictional.

**Departmental Investigation Process:**

OEO determines jurisdiction of a departmental complaint within five (5) business days of compiling the facts that indicate an investigation is warranted. OEO immediately notifies Respondent that jurisdiction has been accepted, indicates the investigator assigned, and seeks to schedule a meeting with Respondent to discuss the process, the rights and responsibilities of the parties, the University’s prohibition against retaliation, and provide an overview of the allegations of civil rights violations that have been raised.

After gathering all available, relevant information in the investigation, OEO invites the Respondent to discuss the allegations in detail and provide a response to the allegations via an interview. Once the interview process is complete, OEO drafts and sends a Confirmation of Response (COR) containing a recitation of Respondent’s response to the allegations to the Respondent within ten (10) business days after completing the interview process.

When the COR is received, the Respondent has the opportunity to review the response statement in the COR and verify that that statement is an accurate representation of Respondent’s response. Verification is accomplished by Respondent signing and returning the COR Letter.
If, upon review, Respondent wishes to make further edits or additions to the response, Respondent must notify OEO within five (5) business days of receipt of the COR. If revisions are made to the COR, OEO revises the document and returns it to the Respondent for verification signature within five (5) business days of OEO receiving notification of the needed revisions. If revisions have been made, Respondent has two (2) business days from receipt of the revised COR to sign and return the COR to OEO.

If Respondent does not return the COR as provided in this section or respond to OEO communication, OEO moves forward with its investigation, even if it does not have Respondent’s response to the allegations or other input from the Respondent.

At the conclusion of the investigation, OEO issues a Draft Report that contains information on the allegations, response from the Respondent and all relevant evidence gathered in the investigation. OEO provides this draft report to the Respondent and appropriate Dean or Director. Those who receive the draft report have five (5) business days to provide comment, response, or new, factual information.

After the parties have provided comments and/or new, factual information, or when the deadline has passed with no response from the parties, OEO writes a Final Report which includes the information from the draft report, any new information gathered from the parties, and an analysis and finding of whether or not any civil rights policy was violated. The Final Report reflects OEO’s final determination as to whether or not the Preponderance of the Evidence it gathers during its formal investigation demonstrates that UNM civil rights policy has been violated. A copy of the Final Report is kept in the file and an original is provided to those who received the Draft Report. The Final Report contains findings and concludes whether or not discrimination, retaliation, and/or harassment has occurred in violation of University policy (stated as POLICY VIOLATION or NO POLICY VIOLATION).

IX. APPEAL TO THE OFFICE OF THE PRESIDENT AND TO THE BOARD OF REGENTS

Individuals may appeal a final determination issued by OEO to the President of the University of New Mexico within five (5) business days of the date of issuance of the final determination from OEO.

The President will consider an appeal of a final OEO determination only if the appeal alleges one or more of the following extraordinary circumstances:

1. Proper procedure has not been followed. If an appeal states this as its basis, the specific procedure that was allegedly not followed should be identified and a description of how that procedure was not followed should be provided.
2. The determination is unsupported by the facts. If an appeal states this as its basis, the specific allegations of fact and specific conclusions that the appealing party wishes to dispute should be identified, and the appealing party should describe how the conclusions being challenged are not supported by the identified facts.
3. The decision violates University policy. If an appeal alleges this as its basis, the specific policy that was allegedly violated by the decision should be identified, and a description of how that policy was allegedly violated should be provided.

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

Appeals to the President must be received by the Office of the President within five (5) business days of the date the OEO determination was issued. Exceptions to this time limit will only be considered on a case by case basis with sufficient justification provided by the individual seeking the exception. Appeals
that are not received within five (5) business days of the date of the OEO determination will be denied unless an exception to the appeal time limit has been granted by the President.

Appeals must be in writing and must identify the person appealing the determination; identify the determination(s) being appealed; contain a clear summary of the ground(s) for the appeal; contain a statement of how the individual appealing the determination will be harmed if the determination is not reversed or modified; and state the date upon which the appeal was submitted to the Office of the President. No additional written documentation will be required to appeal an OEO determination. Appeals that fail to meet these minimum criteria may be denied.

Appeals may be submitted electronically to unmpres@unm.edu, submitted by mail to MSC05 3300, Scholes Hall Suite 144, 1 University of New Mexico, Albuquerque, NM 87131, or hand delivered to the Office of the President at Scholes Hall, Suite 144. Emailed appeals will be considered received by the Office of the President the date and time they are sent. Appeals sent by mail will be considered received by the Office of the President as of the date of postmark on the document. Hand-delivered appeals will be considered received by the Office of the President when a representative from the Office physically accepts delivery of the document and notes the date and time of receipt thereon. Appeals that are not submitted as provided above may be denied.

If an individual files an appeal of an OEO determination, OEO will be informed of the appeal. OEO will notify the other interested parties to the determination in writing that an appeal has been filed. OEO may wait to notify disciplinary authorities of its determination pending the outcome of the appeal.

If an appeal alleges that OEO has not followed proper procedure in its finding, OEO will be given the opportunity to respond to this allegation.

Best efforts shall be made to make a decision within 20 business days after the appeal is received. If the appeal is considered, the President may decide to uphold the determination being appealed in its entirety or may remand all or part of the appealed determination back to OEO for additional proceedings or other action. Written notice of the President’s decision will be provided to the appealing party and to OEO. All other parties will be simultaneously notified of the decision by OEO.

If the Office of the President denies an appeal of OEO’s final determination or upholds that final determination without change, OEO may take whatever further action it deems is warranted on the matter, including but not limited to forwarding its final determination to appropriate disciplinary bodies or administratively closing the matter.

Under Regents’ Policy Manual - Section 1.5: Appeals to the Board of Regents, the Board of Regents has the discretion to review the President’s decision on an appeal OEO’s final determination. An appeal may be submitted to the Board of Regents only after the President’s review and decision are completed. The Board of Regents has sole discretion to determine whether the appeal will be accepted and/or considered. Additional information on Appeals to the Board of Regents can be found at https://policy.unm.edu/regents-policies/section-1/1-5.html.

X. CLOSURE LETTER

At the conclusion of any appeal to the President, OEO closes the investigative file and sends notices to the parties that the investigative file is closed. If any policy violations have been established, OEO will proceed pursuant to VII (D)(10)(i) – Sanctions.

XI. CONFIDENTIALITY
The University strives to respect individuals’ privacy and requests for confidentiality to the extent permitted by state and federal laws. However, the University has an obligation to investigate and resolve civil rights claims. To meet this obligation, the University may be required to share information with persons who have a legitimate need to know that information. For example, those who are responsible for sanctioning individuals OEO found to have violated University civil rights policy may have a legitimate need to know the factual findings and determination made by OEO. Those who manage the processes for appeals of OEO final determinations may have a legitimate need to know the details of OEO’s investigation and/or need to review the evidence underlying a finding.

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

- when the University is required by law to disclose information (such as in response to a legal process or a request for information under the Inspection of Public Records Act);
- when OEO determines that disclosure of information is necessary for conducting an effective and fair investigation; and
- when confidentiality concerns are outweighed by the University’s obligation to protect the safety or rights of others.

All University students, staff, and faculty who participate in an internal civil rights investigation are expected to keep investigation information confidential during the course of the investigation in order to maintain the integrity of the investigation. Any attempt by any participant in an internal civil rights investigation to influence the outcome of an investigation, including by divulging information to others who have no legitimate need to know that information, may be grounds for disciplinary action.

**XII. REQUESTS FOR ANONYMITY**

Individuals who report discrimination may choose to deliver those reports to OEO through anonymous means, such as through the University’s anonymous compliance hotline. OEO’s ability to conduct a full investigation into the alleged discrimination may be limited. Similarly, an individual who reports discrimination anonymously may have only limited protection from retaliation. Additionally, complete anonymity can never be guaranteed as the specific allegations in a complaint may make the anonymous reporter identifiable.

Individuals may anonymously report allegations of gender discrimination prohibited by Title IX of the Education Amendments of 1972, including allegations of sexual harassment, sexual misconduct, and sexual violence. If the individual reporting alleged gender discrimination requests that his or her identity remain anonymous or requests that the University take no action regarding the alleged discrimination, the University takes reasonable steps to honor those requests. However, the University may, depending on the allegations, still be required to investigate and take reasonable action in response to the allegations raised notwithstanding the reporting party’s request for anonymity or that no action be taken. OEO evaluates requests for anonymity and requests that no action be taken in a case-by-case basis and makes determinations regarding such requests at its sole discretion. For more information about the rights of individuals participating in procedures related to alleged gender discrimination in violation of Title IX of the Education Amendments of 1972, please refer to University Administrative Policy 2740: Sexual Violence and Sexual Misconduct.
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<tr>
<th>Complainants Shall Be Entitled:</th>
<th>Respondents Shall Be Entitled:</th>
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<td>• To be treated with respect, dignity, and sensitivity throughout the process.</td>
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<td>• To information on obtaining orders of protection and no contact orders.</td>
<td>• To information on how the college will protect the confidentiality of the respondent.</td>
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<td>• To information on how the college will protect the confidentiality of the victim.</td>
<td>• To notification of the how to access all available resources (i.e., counseling services, advocacy/support).</td>
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<td>• To notification of available services for mental health, victim advocacy, legal assistance, and other available community resources.</td>
<td>• To be informed of the University's sexual violence policies and procedures.</td>
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<td>• To be informed of the University’s sexual violence policies and procedures.</td>
<td>• To timely written notice of all alleged violations within the complaint.</td>
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<td>• 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.</td>
<td>• To a timely and thorough investigation of the allegations.</td>
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<td>• To written notification of a student or employee’s rights and options, regardless of whether the crime took place on campus or off campus.</td>
<td>• 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.</td>
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<td>• To a timely and thorough investigation of the allegations.</td>
<td>• To the same opportunity as the complainant to have others present at any meeting with University officials for support and/or consultation.</td>
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<td>• To participate or decline to participate in the investigation or disciplinary process.</td>
<td>• To the same opportunity as the complainant to present and have others present evidence about alleged violations in investigatory and/or disciplinary proceedings.</td>
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<td>• To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (victim is free to share the outcome with anyone).</td>
<td>• To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (respondent is free to share the outcome with anyone).</td>
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<td>• To appeal the decision and sanctions determined by the Investigation and/or disciplinary proceedings.</td>
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<td>• To be protected from retaliation for their involvement in university investigatory proceedings.</td>
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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 from the initial investigation 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 OEO, who investigate cases of sexual misconduct (including, sexual harassment, sexual violence, domestic violence, dating violence and stalking) are trained annually specifically in investigating Title IX matters. Those whom sanction individuals for cases of sexual misconduct (including, sexual harassment, sexual violence, domestic violence, dating violence and stalking) are trained annually specifically in sanctioning Title IX matters. These trainings include in-person workshops, facilitated presentations and webinars, which cover proper techniques for questioning witnesses, evaluating evidence and basic rules for conducting investigations.

Through their investigation, if OEO makes a determination they will then provide the information to the appropriate areas who then handle the disciplinary/sanctioning phase of this process. UNM Main Campus and UNM West/UNM Health Sciences Rio Rancho Campus have the following disciplinary/sanctioning procedures for handling, all potential policy violations and crimes of violence (including, sexual harassment, domestic violence, dating violence and stalking) for faculty, staff, students and visitors, which are as follows and described in more detail below:

- Faculty found responsible by OEO, will be referred to the UNM Provost Office
- Staff found responsible by OEO, will be referred to the Human Resources Department
- Students found responsible by OEO, will be referred to the Dean of Students Office

**FACULTY DISCIPLINARY PROCESS (This process is for all faculty misconduct, including allegations of Sexual Misconduct, including Sexual Assault, Dating/Domestic Violence and Stalking)**

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

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

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

a) "Warning" means an oral reprimand or expression of disapproval.
b) "Censure" means a written reprimand or expression of disapproval, which should include an explanation of the nature of the misconduct, and the specific action to be taken by the faculty member and/or chair to correct the problem, including mentoring, if appropriate, and a statement that further disciplinary action could occur should the problem persists.
c) "Suspension without pay" means disciplinary suspension without regular salary for a stated period of time.
d) "Dismissal" means termination of employment (see Faculty Handbook Sections B.5.3, B.6.4.3, and
B.5.4).

3. The procedures specified in this policy provide for the consideration and determination of proposed disciplinary actions against faculty members short of dismissal. Consideration and determination of disciplinary actions that may result in a proposed dismissal of a tenured faculty member, or dismissal of an untenured faculty member prior to expiration of his or her contract term, are governed by sections B.5.3, B.6.4.3, or B.5.4, respectively, of the Faculty Handbook and are not covered by these procedures. 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 Faculty Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as reasonably possible and shall be conducted according to the university's Dispute Resolution Hearing Procedures. The University Secretary's office shall make arrangements for the hearing. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel may uphold or reverse the proposal to suspend the faculty member without pay. If the panel's decision is to reverse the proposal, the panel may direct the chair and dean to impose a lesser disciplinary measure. The panel's decision may be reviewed on the record by the Provost/Chancellor, but the panel's decision shall not be reversed or modified except in the case of clear error, which shall be detailed in writing by the Provost/Chancellor. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

12. The faculty member may bring a complaint before the Committee on Academic Freedom and Tenure (AF&T) if he/she believes the matter or its handling is within the jurisdiction of the Committee. The Committee will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee should be sought after the determination by the Provost/Chancellor. If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the faculty peer hearing, if one was held.
13. If the final determination is that no misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the reputation of the faculty member.

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

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:

**STAFF DISCIPLINARY PROCESS (This process is for all employee misconduct, including allegations of Sexual Misconduct, including Sexual Assault, Dating/Domestic Violence and Stalking)**

**Progressive Discipline**

The University uses progressive discipline for employees, when appropriate. Progressive discipline is designed to allow an employee a reasonable opportunity to meet the requirements of the job, comply with applicable standards, and improve performance. “Performance” for purposes of this policy is used broadly and includes all aspects of being successful in a job.

Progressive discipline may not be appropriate in all instances, such as when health or safety is at risk or a crime has been committed. It does not bar a supervisor from imposing more severe discipline depending on the individual circumstances. Some violations are of such a serious nature that they warrant severe disciplinary action, including but not limited to suspension or discharge without affording prior progressive discipline.

Progressive discipline may include the use of letters for improvement, written warnings, suspension, and discharge. Discipline should be administered equitably and consistently. See the HR website for tools to assist in ensuring appropriateness of actions. Depending on the nature of the matter, a supervisor may start progressive discipline at any appropriate point in the process. The following sections describe in detail the actions associated with the progressive discipline process.

Supervisors should advise employees:
- of the nature of the problem; policies or procedures violated; and expectations (including those job expectations that the employee did not meet, required actions to correct the problem, and timelines for completion);
- that further disciplinary action up to and including discharge may occur should the problem persist; and
- that disciplinary action may be disputed through the applicable appeal process noted in Section 10.

The employee may provide an explanation for the problem. In such cases, the supervisor should consider the employee’s explanation for the problem prior to deciding on whether to take formal disciplinary action.

Since the purpose of discipline is to provide employees with an opportunity to correct problems, when an employee has sufficiently corrected a problem and the supervisor is satisfied that it will not reoccur, subsequent performance evaluations should reflect the improved performance.
5.1. Letter for Improvement
The letter for improvement is the lowest level of disciplinary action. It informs employees of the issues of concern and their supervisors’ expectations for improvement. It is expected that such discussions will result in improved performance. A letter for improvement is not documented in an employee's official personnel file maintained by the Division of HR. However, the supervisor shall maintain a record of any letter for improvement in the departmental file. This document may be referred to in any further disciplinary action.

5.2. Written Warning
The written warning is the next level of disciplinary action and is used for more severe issues or for situations where issues have continued despite being given an opportunity to improve. A written warning is documented in the employee's official personnel file maintained by the Division of HR. After an employee has received at least two (2) positive performance evaluations, an employee may petition the applicable dean or director to have the written warning removed from the employee's official personnel file.

5.3. Suspension
A suspension is the third level of possible disciplinary action. It may be issued to an employee due to performance problems that have not been satisfactorily corrected through the use of prior discipline or for serious violations of policy, procedure, or other applicable standards. An employee whose suspension is being considered will be allowed an opportunity to know why the supervisor is considering the action and to respond to the contemplated action before the final decision is made. See Section 6.2 below. Suspensions are normally one (1) – five (5) days in length but may be longer depending on the severity of the issue. Proposed suspensions (notices of contemplated action for suspension) and final suspensions (notices of final action for a suspension) require approval, in advance, by the appropriate dean or director and the VP for HR. The manager must comply with the notice requirements listed in Section 6 of this policy.

5.4. Discharge
A discharge is a permanent involuntary separation of employment from the University for disciplinary reasons and is reserved for the most serious infractions or for continued issues that previously have been addressed but have not been corrected. An employee whose discharge is being considered will also be allowed an opportunity to know why the supervisor is considering the action and to respond to the contemplated action before the final decision is made. See Section 6.2 below. Proposed discharges (notices of contemplated action) and final discharges (notices of final action) requires approval, in advance, by the appropriate dean or director and the VP for HR. The manager must comply with the notice requirements listed in Section 6 of this policy.

6. Notice of Contemplated Action and Notice of Final Action
The notice of contemplated action is a written notice that outlines the reasons for considering an employee’s suspension or discharge. The notice of final action is the final written decision from the employee’s supervisor or manager after having taken the employee’s response to the notice of contemplated action into account.

Any time period noted under 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.

6.1. Notice of Contemplated Action
The Notice of Contemplated Action must include all of the following points:
• The acts that the supervisor believes constitute proper/just cause (see Section 7). These may include one (1) or more of the acts listed in this policy, but are not specifically limited as such.
• A summary of the evidence against the employee.
• An identification of the University policies, if any, the employee is alleged to have violated.
• Required timeframes in accordance with Section 6.2.

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 is complete when the notice is hand delivered or deposited with the United States Postal Service by certified mail with a return receipt requested. A copy of the notice will be sent to the Division of HR for placement in the employee's official personnel file.

6.2. Response to Notice of Contemplated Action
An employee may respond to the notice of contemplated action orally and/or in writing. The response is provided to the manager that signed the notice. An employee’s written response must be received within eight (8) work days from receipt of that notice. If an employee wants to respond orally, a written request for the meeting to respond orally must be submitted within five (5) work days from receipt of the notice. Any extension of time to the employee’s response must be in writing and agreed upon by both the employee and the manager.

If responding orally, the employee may have a support person in the meeting but that individual must not verbally advocate on behalf of the employee. When an employee advises the manager of an intent to respond orally, the employee also must advise the manager if the employee is bringing a support person and if that person is an attorney. Refer to the appropriate collective bargaining agreement regarding representation for employees in positions covered under labor agreements.

A copy of the response will be sent to the Division of HR for placement in the employee's official personnel file.

6.3. Notice of Final Action
After considering the employee's oral and/or written response, the manager shall decide on the action to be taken. If it is determined that the employee is to be discharged, the supervisor must obtain approval by the VP for HR, and serve the employee with the written notice of final action. The notice of final action should be delivered within thirty (30) calendar days after receipt of the employee's response. Cases occasionally may require additional time. If so, a letter will be sent to the employee noting the need for additional time (bargaining unit members may refer to their union contract, if applicable). The notice of final action should include all of 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 the action.
• A statement of the appeal processes available to the employee.

A copy of the notice will be sent to the Division of HR for placement in the employee's official personnel file.
Discharges or suspensions may be appealed according to Section 10.

7. Proper/Just Cause for Disciplinary Action
Proper/just cause is generally significant or substantial misconduct relating to the employee's work that is inconsistent with the employee's obligation to the University and that violates policy, procedure, or other standards. A list of examples that could constitute proper/just cause for disciplinary action is shown below, but is not an all-inclusive list.

- Attendance issues (unsatisfactory attendance including tardiness).
- Abuse of sick leave. See UAP 3410 (“Sick Leave”).
- Violation of departmental or University policy on confidentiality, or the release of confidential information in violation of law.
- Conviction of a felony or misdemeanor, depending on the nature of the offense and applicability to the type of position the employee holds, consistent with the Criminal Offender Employment Act.
- Discrimination against an individual or creation of a hostile work environment based on race, ethnicity, national origin, medical condition, gender, and other protected classes under state or federal law as determined by the Office of Equal Opportunity. See UAP 2720 (“Prohibited Discrimination”) and UAP 2740 (“Sexual Misconduct”).
- All allegations of discrimination, including sexual harassment, must be referred to the Office of Equal Opportunity. Failure or refusal to appropriately refer allegations of discrimination, including sexual harassment, to the Office of Equal Opportunity.
- Deliberate falsification or misrepresentation of information on employment applications or resumes, timesheets, or other University records.
- Impairment in the workplace, in violation of UAP 3270 (“Suspected Impairment at Work”).
- Illegal or inappropriate use of drugs or alcohol, including possession of substances or related paraphernalia. See RPM 2.6 (“Drug-Free Environment”).
- Possession of or distribution of obscene or pornographic material unrelated to business needs or University research.
- Unacceptable computer use. See UAP 2500 (“Acceptable Computer Use”).
- Inability to perform the job according to expectations, after documented performance coaching.
- Safety issues (violation of safety protocol).
- Sleeping during work hours.
- Theft, embezzlement, or fraud. Misappropriation or personal use of University funds, property, possessions, or resources. Failure to follow purchasing protocols. See UAP 7205 (“Dishonest or Fraudulent Activities”).
- Insubordination – intentional or willful failure to obey a lawful and reasonable request of a supervisor.
- Inappropriate/unprofessional behavior or violation of Employee Code of Conduct. See UAP 3720 (“Employee Code of Conduct and Conflicts of Interest”).
- Vehicle use policy violation. See UAP 7780 (“Use of University Vehicles”).
- Violence or threat of violence, such as assault, battery, or stalking of individuals on the University campus. See UAP 2210 (“Campus Violence”).
- Violation of University policies or procedures.

Concerns about progressive discipline being misused or non-compliant with this policy may be reported to the VP for HR or according to UAP 2200 (“Reporting Suspected Misconduct and Whistleblower Protection from Retaliation”). See Section 10 for formal appeal processes.

8. Pay Status
Post probationary and contract employees will remain on paid status at all times pending delivery of discipline. Post probationary and contract employees may continue working or may be placed on
administrative leave with pay pending completion of the investigative or disciplinary process. Requests for administrative leave must be sent to the HR Consultant. The VP of HR will coordinate with the respective executive vice president, who will approve or disapprove the leave. For more information, refer to Section 3.7 of UAP 3415 ("Leave with Pay").

9. Required Approval by the Division of HR
It is recommended that supervisors speak with their HR Consultant and obtain guidance prior to issuing a Letter for Improvement. Supervisors contemplating a written warning, demotion, or discharge of any employee, including forced termination of probationary and temporary employees, must consult with their HR Consultant before taking such action. Suspensions and discharges must also be approved in writing by the department’s dean, director, or above and by the VP for HR.

10. Appeal Process for Suspension and Discharge
If a post-probationary employee who is in a non-bargaining unit position has been suspended or discharged, the employee may appeal by requesting a peer hearing as provided below. Appeals may be requested by contacting the Main Campus Compliance Office within ten (10) business days of receiving the notice of final action for suspension or discharge. The timeline is determined to begin the next working day after the action is issued. Employees who wish to appeal a suspension or discharge and whose position titles are covered under a collective bargaining agreement should review the relevant agreement for grievance procedures.

10.1. Peer Hearing
Peer hearings are coordinated by the Main Campus Compliance Office and consist of a Peer Review Panel of three (3) uninvolved University employees who have no connection with the dispute, nor any interest in the outcome of the hearing. Members of the Peer Review Panel will be randomly selected from a pool consisting of all University employees.

The employee who was suspended or discharged and the management representative who suspended or discharged the employee will select the panel members from the randomly chosen names.

10.2. Discretionary Review by President and Board of Regents
The results of a peer hearing may be appealed to the University President and the Board of Regents. Normally, they accept review only in extraordinary cases, such as those where proper procedures have not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy. If an appeal is accepted, it will first go to the University President. The Board of Regents has the discretion to review the University President's decision. The appeals are handled pursuant to RPM 1.5 ("Appeals to the Board of Regents").

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.

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 a crime of violence, 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 a 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 UNMPD 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.

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
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, UNM 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 UNM 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
Administrative Policy #2730; and acts of sexual harassment, sexual misconduct, and sexual violence as described in University Administrative Policy #2740. For purposes of this Procedure, "discrimination" also includes retaliation for having made allegations of discrimination, having participated in an investigation into allegations of discrimination, or otherwise having engaged in opposition to unlawful discrimination. Retaliation is explicitly prohibited under university administrative policies #2720, 2730, and 2740.

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 UNM 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 appealing 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.

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**Missing Student Notification Procedures**

UNM takes student safety very seriously. To this end, and in compliance with the Higher Education Opportunity Act of 2008, the purpose of this policy is to provide procedures for reporting, investigating and making emergency notifications regarding any residential student of UNM who, based on the facts and circumstances known to UNM, has been determined to be missing.
For purposes of this policy, a residential student of UNM is a student who is currently enrolled and resides in on-campus housing or in privately owned Greek housing on campus.

**Student Contact Information**

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

Students are responsible for ensuring that their contact information is up-to-date and accurate.

UNM students, employees or other individuals who have reason to believe that a residential student is missing should immediately report their concerns to UNMPD (505) 277-2241, within 24 hours of determination that a student is missing. If the Residence Life and Student Housing Office, Greek Life Office or other department receives a report of a missing student, UNMPD should be notified immediately of this report. UNMPD will, as appropriate, engage staff from Residence Life and Student Housing and other UNM departments in immediate efforts to locate the student. These efforts may include but are not limited to:

- Contacting the student via 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 within 24 hours, as appropriate, for purposes of coordinating the investigation and continuing efforts to locate the student.
- The Dean of Students will initiate actions deemed appropriate under the circumstances in the best interest of the missing student. For example, contacting the student’s instructors may occur if necessary or beneficial in the situation to the student and/or instructors.

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**UNM WEAPONS POLICY**
With very few exceptions, employees, students and visitors are not permitted to use or possess weapons on any part of the campus. A weapon includes, but is not limited to: firearms; ammunition 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/.

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

<table>
<thead>
<tr>
<th>Allowable Self-Defense Items</th>
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<tbody>
<tr>
<td>• Pepper Spray – Members of the UNM campus community may carry pepper spray (A/K/A oleoresin capsicum) in container no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than ten (10) percent, for self-defense purposes</td>
</tr>
<tr>
<td>• Stun Guns – with a maximum amperage of five (5) milliamps for self-defense purposes</td>
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POLICY ON ILLEGAL DRUGS & ALCOHOL

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

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

I. Create/have a campus alcohol and other drug policy that contains information on:

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

II. The institution must distribute this policy to all students, faculty, and staff annually

Note: Until a few years ago, the Department of Education interpreted this to require that the policy be sent via printed documents through campus mail. The use of electronic distribution (email) is now considered appropriate given,
The email is distributed to all students, staff, and faculty, and,
2) The policy appears in the text of the email and not as an attachment

III. The institution has adopted and implemented an alcohol and other drug prevention program

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

**The University of New Mexico Drug Free Campus**

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of the commitment of UNM 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. Federal and State laws relating to controlled substances and alcohol are enforced by UNMPD. The university enforces the state of New Mexico underage drinking laws and therefore does not permit the possession or consumption of alcoholic beverages by people under the age of twenty-one. Illegal uses of alcohol include, but are not limited to, serving, buying or drinking alcohol by a minor; assisting a minor or an intoxicated person to get alcohol; selling alcohol without a license and driving while under the influence.

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

**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 UNM community faculty, staff or students strictly prohibited.

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

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

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

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

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

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

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

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 and Staff:
If you are concerned about your own, an employee’s or a colleague’s alcohol or drug use, contact the CARS program. The intent of CARS is not to intrude into the private lives of university employees, 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.

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

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

Student Health and Counseling (Counseling Services) - 277-3136
Campus Office of Substance Abuse Prevention - 277-2795

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

SEX OFFENDER REGISTRATION
In accordance with the Campus Sex Crimes Prevention Act of 2000 (CSPA), 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 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.

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**Educational Programs and Campaigns for Alcohol/Drug Use, Dating Violence, Domestic Violence, Healthy Relationships, Sexual Violence and Stalking:**

UNM Main Campus and UNM West/UNM Health Sciences Rio Rancho Campus are committed to educating members of its campus community through a number of ongoing campaigns, educational and awareness programs. UNM prohibits all acts of violence on our campus, including Dating Violence, Domestic Violence, Sexual Violence and Stalking. Our campaign and programmatic efforts reflect that we are an affirmative consent campus, as defined in our institutional policy #2740. All incoming students receive the following mandatory training, which is the primary prevention and awareness program for students:

**Grey Area Training:**

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

- Covers sexual misconduct prevention risk reduction, including dating violence, domestic violence, sexual assault and stalking.
- States that sexual discrimination, which includes dating violence, domestic violence, sexual assault and stalking are prohibited acts
- Reporting Options – including areas that are anonymous and those individuals that are mandatory reporters
- Discusses the importance of “consent”
- Discusses positive/safe bystander information such as:
  - Using Humor
  - Group Intervention
  - Distraction
  - Using I Statements
- Defines Sexual Violence terms, such as sexual assault, stalking and relationship violence

*Definitions for these VAWA related crimes can be found beginning on page 57 of this report*

**Intersections: Preventing Discrimination and Harassment:**

UNM is committed to educating members of its campus community through a number of ongoing educational and awareness programs. All employees must complete this mandatory training on an annual basis, which is the primary prevention and awareness programs for faculty and staff:
The module raises awareness on the various topics of discrimination, harassment and sexual violence. Intersections includes animated scenarios, skill practices, UNM policies and resources, sound and closed caption (CC) capability. The training is one hour in length for both faculty and staff, which includes:

- Covers sexual misconduct prevention and risk reduction, including dating violence, domestic violence, sexual assault and stalking.
- States that sexual discrimination, which includes dating violence, domestic violence, sexual assault and stalking are prohibited acts
- Reporting Options – including areas that are anonymous and those individuals that are mandatory reporters
- Discusses the importance and meaning of “consent”
- Discusses bystander information such as:
  - Using Humor
  - Group Intervention
  - Distraction
  - Using I Statements
- Defines Sexual Violence terms, such as sexual assault, stalking and relationship violence

**General Campus Crime Prevention and Security Awareness Programs**

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

**Protect the Pack:**

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

**Campus Safety Week:**

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

- Sexual Assault Awareness Programs, that include prevention and bystander information
- Campus Safety Walk – where students evaluate the safety of UNM’s Campus at night
- Coffee with a Cop – an opportunity to have all UNM Community members have coffee with our UNMPD and ask questions of UNMPD. UNMPD informs our community during these events about our:
  - Primary Crime Prevention programs on Campus
  - Answers safety related questions that are applicable to our campus community
- Safe Zone Training – where UNM Community members can understand how to be an ally, what terminology is appropriate, understanding different types of hate, negativity and phobias.
### 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>
</tbody>
</table>

### Campaign (Prevention and Awareness)

<table>
<thead>
<tr>
<th>Target Audience</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>All UNM Students</td>
<td>Annually</td>
</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>Occurs every Spring</td>
</tr>
<tr>
<td>Greek Life New Member Summit (Identifying Hazing Behavior)</td>
<td>All UNM Greek Members</td>
<td>Occurs every September</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>UNM Community</td>
<td>Annually (It is a Campaign)</td>
</tr>
<tr>
<td>Consent. Get It. (Promoting importance of getting Consent)</td>
<td>UNM Community</td>
<td>Annually (It is a Campaign)</td>
</tr>
<tr>
<td>Protect the Pack (Promoting Safe Bystander Intervention)</td>
<td>UNM Community</td>
<td>Annually(It is a Campaign)</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 (Faculty, Staff and Students, including prospective students)</td>
<td>During New Student Orientation each Summer</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 (Faculty, Staff and Students)</td>
<td>Weekly distribution- 20 different locations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual April STI Awareness Event</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Social Media campaigns during awareness days.</td>
</tr>
<tr>
<td>Workshops and Presentations</td>
<td>UNM Students, Faculty and Staff</td>
<td>Workshops- Throughout the Fall/Spring semesters and as requested</td>
</tr>
<tr>
<td>Workshops and presentations on a variety of topics are held for students during the Fall/Spring semesters. Additional workshops can be done as requested. Topics can include but are not limited to, Healthy Relationships, Stress Management, etc.</td>
<td></td>
<td>Presentations- New Student Orientations, New Faculty Orientations, etc. and as requested.</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</td>
<td>UNM Residence Hall Students</td>
<td>Programs Occur Annually (typically upon the start of each fall and spring semester and are available upon request)</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; do not 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

Definitions:

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

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

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

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

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

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

CRIME PREVENTION SERVICES AND RISK REDUCTION TIPS - (Keeping you Safe at UNM Main Campus)

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

Alarm System:

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

Bicycle Registration:

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

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

Crime Prevention Materials:
Free brochures and other documents regarding crime prevention are available at UNMPD 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.
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) 277-1938.

Reducing Your Risk at UNM

The UNM Community is encouraged to be responsible for their own security and to potentially assist with the security of others. Risk reduction choices are not presented in a way to victim blame, but to assist in empowering an individual so that they can be safe, lessen the potential to be a victim of a crime and promote the safety of others. The following is a list of suggestions that will help to reduce your risk on the UNM Campus:

- We want all individuals to feel empowered to say something if you see something on campus that makes you feel uneasy or feeling unsafe, by making sure you let someone know about it (such as the UNM Campus Police or Dean of Students Office), so the UNM can take action to address these unsafe conditions
- 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
- Do not open doors for strangers or invite strangers into our Residence Halls
• Do not prop open the door of your Residence Hall
• 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
• Always report suspicious activity to the UNM Campus Police by calling 505-277-2241

As Lobos, you should remember to “Protect the Pack”

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**FIRE SAFETY REPORT**

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

UNM’s Safety & Risk Services Department maintains information on reports of fires and fire alarms in University-owned 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 (Residence Life)**

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://housing.unm.edu/current-students/Residence%20Hall%20Handbook%202017.pdf

**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 505-277-9203. 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 one per semester). When a fire alarm sounds in the event of a fire drill or an actual fire, residents in all UNM Residence Halls (including Student Family Housing) and ACC Properties must follow established building evacuation procedures as follows:

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

UNM strives to educate residential students about fire safety. Resident Advisors (student staff who live in each residence hall and apartment complex) and professional regular staff members attend training provided by UNM’s Safety & Risk Services Department on responding to emergencies, including fires. The training includes how to evacuate the halls and use 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.

UNM Safety & Risk Services provided fire extinguisher training for both professional staff and Resident Advisors as well as housing maintenance, staff.

**Student Family Housing Additional Fire Safety Information**

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/](http://housing.unm.edu/student-family-housing/)

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

Lobo Village and Casas del Rio are owned and managed by American Campus Community (ACC), in partnership with Residence Life & Student Housing. Table 2 and 3, shows 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 permits smoking inside their respective clubhouse, office areas or amenities. The use of candles or other burning or smoking devices (including hookahs and shishas) are prohibited in both complexes. Space heaters and other similar appliances are prohibited. Appliances that use excessive amounts of electricity and/or create excessive heat are prohibited. YOU Residents with questions can contact the Lobo Village or Casas del Rio offices.

**Training and Future Improvements for Fire Safety**

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

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

UNM’s Greek community hosts 24 fraternity and sorority chapters. Of those 24 chapters, six chapters own and manage chapter houses where members of the fraternity or sorority may reside. These 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. These rules vary from chapter to chapter, but

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

Chapter houses are required to be inspected annually by the Albuquerque Fire Department and must conduct one fire drill each semester. The UNM Student Activities Center collects reports of fires occurring in Greek housing. In 2018, no reported fires occurred in any fraternity or sorority chapter houses.

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

University of New Mexico Campus Crimes

The following tables contain statistics for Clery reportable crimes that have occurred within UNM Main and UNM West/UNM Health Sciences Rio Rancho Campus 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.

Clery Reportable Crimes (UNM Main Campus and UNM West/UNM Health Sciences Rio Rancho Campus Campus)

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

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

Rape – is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ or another person, without the consent of the victim. This offense includes the rape of both males and females. Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, include the crime as Statutory Rape.

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

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

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

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

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

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

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

Violence against Women’s Act (VAWA) Definitions for Domestic Violence, Dating Violence and Stalking (UNM Main Campus and UNM West/UNM Health Sciences Rio Rancho Campus)

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

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

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

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

Stalking:
Is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to
• Fear for the person’s safety or the safety of others; or
• Suffer substantial emotional distress.

For the purpose of this definition –

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

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

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

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

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

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

Dating Violence (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.

Sexual Violence (Per Policy 2740) - Sexual violence refers to physical sexual acts perpetrated with force or coercion against a person’s will; or where a person has not given consent as defined in this policy or is unable to consent due to the use of alcohol or drugs, disability, or age. It may include sexual assault, forcible fondling, or any other conduct of a sexual nature that is nonconsensual. Sexual violence is a crime.

• Rape/sexual assault: non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
• Non-consensual oral sex: non-consensual contact between one person’s mouth and the genitals or anus of another person.
- **Sexual contact/battery**: non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.

- **Sexual coercion**: the act of using pressure, alcohol or drugs, or force to have sexual contact with someone against the individual’s will and includes persistent attempts to have sexual contact with someone who has already refused.

**Stalking** (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.

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

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

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

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

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

- **Residential Facilities** (On Campus Student Housing) - any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This includes all UNM Residence halls, including Student Family Housing and both ACC Properties, Casa De Rio and Lobo Village.
<table>
<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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2018</td>
<td>2017</td>
<td>2016</td>
<td></td>
</tr>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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**2017 Hate Crime Table**

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<td>Hate Crime #2</td>
<td>Intimidation</td>
<td>Sexual Orientation</td>
<td>On Campus</td>
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## 2016 Hate Crime Table

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<th>Location</th>
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<tbody>
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<td>Hate Crime #2</td>
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<td>On Campus</td>
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<td>Hate Crime #3</td>
<td>Intimidation</td>
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<td>On Campus</td>
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<td>Hate Crime #4</td>
<td>Destruction, Damage, Vandalism</td>
<td>Race</td>
<td>On Campus</td>
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</table>

**Unfounded Crimes:**

There was 1 unfounded crimes for 2018, 3 unfounded crime for 2017 and 2 unfounded crimes for 2016.
Table 2 - UNM On-Campus Residence Hall Housing Facility Fire Statistics – Calendar Years 2016, 2017 and 2018

<table>
<thead>
<tr>
<th>Name/Address</th>
<th>Total Fires</th>
<th>Location</th>
<th>Cause</th>
<th># of Injuries</th>
<th># of Deaths</th>
<th>Value of Property</th>
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<tr>
<td></td>
<td>2016</td>
<td>2017</td>
<td>2018</td>
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<tr>
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<td>Lobo Village – 1200 Avenida Cesar Chavez Blvd. SE</td>
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<td><strong>2016</strong> – 1) Dumpster outside 2) Kitchen 3) Kitchen</td>
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<td>Redondo Village Apartments (RVA) – 306 Redondo Dr. NE</td>
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<td>2016 – Kitchen Stove Inside of Apt.</td>
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### Description of On-Campus Student Housing Facilities Fire Safety Systems

**Fire Safety System Descriptions**

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

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

<table>
<thead>
<tr>
<th>Name/Address</th>
<th>Fire Safety System</th>
<th>Fire Extinguishers</th>
<th># of Fire Drills 2018</th>
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<tbody>
<tr>
<td>Alvarado Hall – 2800 Campus BLVD. NE</td>
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<tr>
<td>Casa Del Rio – 420 Redondo Dr. NE</td>
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<td>Coronado Hall – 301 Girard BLVD. NE</td>
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<td>DeVargas Hall – 2604 Campus BLVD. NE</td>
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<td>Hokona Hall – 2500 Campus BLVD. NE</td>
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<td>Lobo Rainforest – 2700 Central Ave. NE</td>
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<td>Lobo Village – 1200 Avenida Cesar Chavez Blvd. SE</td>
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### Table 4 - UNM On-Campus Fraternity and Sorority Housing Facility - Fire Statistics 2016, 2017 and 2018

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<tr>
<th>Name/Address</th>
<th>Total Fires</th>
<th>Date/Time</th>
<th>Location</th>
<th>Cause</th>
<th># of Injuries</th>
<th># of Deaths</th>
<th>Value of Property</th>
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### Table 5 - UNM On-Campus Fraternity and Sorority Housing Facility - Fire Safety Systems

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<th>Name/Address</th>
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Table 6 - UNM West/UNM Health Sciences Rio Rancho Campus Clery Crime Statistics (2018, 2017 and 2016) *

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<tr>
<td>Motor Vehicle Theft</td>
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<td>Arson</td>
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</tr>
<tr>
<td>Burglary</td>
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<tr>
<td>Liquor Law Arrest</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Drug Arrest</td>
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<tr>
<td>Illegal Weapons</td>
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<table>
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<tr>
<th>Crime Classifications</th>
<th>On Campus Property</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>Total Crime Statistics</th>
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<tbody>
<tr>
<td></td>
<td>On Campus Student Housing</td>
<td>On Campus Total</td>
<td></td>
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<tr>
<td>VAWA Clery Crimes</td>
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<tr>
<td>Dating Violence</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
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<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Domestic Violence</td>
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<td>2016</td>
<td>0</td>
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<tr>
<td>Stalking</td>
<td>2018</td>
<td>0</td>
<td>0</td>
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<td></td>
<td>2017</td>
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<table>
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<tr>
<th>Referrals for Disciplinary Action</th>
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</thead>
<tbody>
<tr>
<td>Liquor Law Referrals</td>
</tr>
<tr>
<td>2018</td>
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<td>2017</td>
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<tr>
<td>Incident Type</td>
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<tr>
<td>--------------------</td>
</tr>
<tr>
<td>Drug Law Referrals</td>
</tr>
<tr>
<td>2016</td>
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<tr>
<td>2018</td>
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<tr>
<td>2017</td>
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<tr>
<td>2016</td>
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<tr>
<td>Weapons Law Referrals</td>
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<tr>
<td>2018</td>
</tr>
<tr>
<td>2017</td>
</tr>
<tr>
<td>2016</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Incident #</th>
<th>Incident Type</th>
<th>Hate Category</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>No Hate Crimes Reported for UNM West</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>No Hate Crimes Reported for UNM West</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>No Hate Crimes Reported for UNM West</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2017 UNM West/UNM Health Sciences Rio Rancho Campus Hate Crime Table

<table>
<thead>
<tr>
<th>Incident #</th>
<th>Incident Type</th>
<th>Hate Category</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>No Hate Crimes Reported for UNM West</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>No Hate Crimes Reported for UNM West</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>No Hate Crimes Reported for UNM West</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2016 UNM West/UNM Health Sciences Rio Rancho Campus Hate Crime Table

<table>
<thead>
<tr>
<th>Incident #</th>
<th>Incident</th>
<th>Hate Category</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Unfounded Crimes – There were no unfounded crime for UNM West/UNM Health Sciences Rio Rancho Campus for the past three years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>Hate Crimes – There were no hate crimes for the UNM West/UNM Health Sciences Rio Rancho Campus for the past three years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>Clery Crimes – There were no reported Clery Crimes that occurred at UNM West/UNM Health Sciences Rio Rancho Campus for 2018</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Unfounded Crimes – There were no unfounded crime for UNM West/UNM Health Sciences Rio Rancho Campus for the past three years.

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

Clery Crimes – There were no reported Clery Crimes that occurred at UNM West/UNM Health Sciences Rio Rancho Campus for 2018.
**Hate Crimes** – There were no hate crimes for the UNM West/UNM Health Sciences Rio Rancho Campus for the past three years.

**Clery Crimes** – There were no reported Clery Crimes that occurred at UNM West/UNM Health Sciences Rio Rancho Campus for 2018.
<table>
<thead>
<tr>
<th>DRUG/ SCHEDULE</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine (Schedule II)</td>
<td>500 – 4999 gms mixture</td>
<td><strong>First Offense:</strong> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than $2 million if an Individual, $5 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cocaine Base (Schedule II)</td>
<td>5 - 49 gms mixture</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs, &amp; not more than life. If death or serious injury, life in prison. Fine of not more than $4 million if an individual, $10 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fentanyl (Schedule II)</td>
<td>40 - 399 gms mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs, &amp; not more than life. If death or serious injury, life in prison. Fine of not more than $4 million if an individual, $10 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fentanyl Analogue (Schedule I)</td>
<td>10 - 99 gms mixture</td>
<td><strong>Second Offense:</strong> Not less than 20 yrs, &amp; not more than life. If death or serious injury, life in prison. Fine of not more than $8 million if an individual, $20 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heroin (Schedule I)</td>
<td>100 - 999 gms mixture</td>
<td><strong>2+ Prior Offenses:</strong> Life in prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LSD (Schedule I)</td>
<td>1 - 9 gms mixture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methamphetamine (Schedule II)</td>
<td>5 - 49 gms pure or 50 – 499 gms mixture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PCP (Schedule II)</td>
<td>10-99 gms pure or 100 – 999 gms mixture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRUG/SCHEDULE</td>
<td>QUANTITY</td>
<td>PENALTIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
<td>-----------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Other Schedule I & II Drugs (& any product containing Gamma Hydroxybutyric Acid) | Any amount | **First Offense:** Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine $1 million if an individual, $5 million if not an individual.  
**Second Offense:** Not more than 30 yrs. If death or serious injury, not less than life. Fine $2 million if an individual, $10 million if not an individual. |
| Flunitrazepam (Schedule IV) | 1 gm or more | **First Offense:** Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.  
**Second Offense:** Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if not an individual. |
| Other Schedule III drugs | Any amount | **First Offense:** Not more than 3 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.  
**Second Offense:** Not more than 6 yrs. Fine not more than $500,000 if an individual, $2 million if not an individual. |
| Flunitrazepam (Schedule IV) | 30 – 999 mgs | **First Offense:** Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual.  
**Second Offense:** Not more than 2 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual. |
| All other Schedule IV drugs | Any amount | **First Offense:** Not less than 10 yrs, not more than life. If death or serious injury, not less than 20 yrs, not more than life.  
**Second Offense:** Not less than 20 yrs, not more than life. If death or serious injury, |
| Flunitrazepam (Rohypnol) (Schedule IV) | Less than 30 mgs | **First Offense:** Not less than 10 yrs, not more than life. If death or serious injury, not less than 20 yrs, not more than life.  
**Second Offense:** Not less than 20 yrs, not more than life. If death or serious injury, |
| All schedule V drugs | Any amount | 2ND OFFENSE |

<table>
<thead>
<tr>
<th>DRUG</th>
<th>QUANTITY</th>
<th>1ST OFFENSE</th>
<th>2ND OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana</td>
<td>1,000 kg or more mixture;</td>
<td>Not less than 10 yrs, not more than life. If death or serious injury, not less than 20 yrs, not more than life.</td>
<td>Not less than 20 yrs, not more than life. If death or serious injury,</td>
</tr>
<tr>
<td>Marijuana</td>
<td>100 kg - 999 kg mixture; or 100 – 999 plants</td>
<td>Not less than 5 yrs, or more than 40 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine not more than $2 million if an individual, $5 million if not an individual.</td>
<td>Not less than 10 yrs, not more than life. If death or serious injury, mandatory life. Fine not more than $4 million if an individual, $10 million if not an individual.</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Marijuana</td>
<td>More than 10 kgs hashish; 50 – 99 kg mix. More than 1 kg of hashish oil; 50 – 99 plants</td>
<td>Not more than 20 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td>Not more than 30 yrs. If death or serious injury, mandatory life. Fine $2 million if an individual, $10 million if not an individual.</td>
</tr>
<tr>
<td>Marijuana</td>
<td>1 – 49 plants; less than 50 kg mixture</td>
<td>Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual</td>
<td>Not more than 10 yrs. Fine $500,000 if an individual, $2 million if not an individual</td>
</tr>
<tr>
<td>Hashish</td>
<td>10 kg or less</td>
<td>Not less than 5 yrs, or more than 40 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine not more than $2 million if an individual, $10 million if not an individual.</td>
<td>Not less than 10 yrs, not more than life. If death or serious injury, mandatory life. Fine not more than $4 million if an individual, $20 million if not an individual.</td>
</tr>
<tr>
<td>Hashish Oil</td>
<td>1 kg or less</td>
<td>Fine not more than $4 million if an individual, $10 million if not an individual.</td>
<td>Not less than 10 yrs, not more than life. If death or serious injury, mandatory life. Fine not more than $4 million if an individual, $10 million if not an individual.</td>
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</tbody>
</table>
### NM DRUG LAWS (30-31-2 NMSA 1978) - (Figure 2)

<table>
<thead>
<tr>
<th>DRUG</th>
<th>CONDITIONS QUANTITY</th>
<th>PENALTY Prison Fines</th>
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</thead>
<tbody>
<tr>
<td>Methamphetamine PCP Rohypnol, GHB</td>
<td>Possession</td>
<td>18 mos. $5,000 (4th degree Felony)</td>
</tr>
<tr>
<td>Methamphetamine PCP Rohypnol * GHB</td>
<td>1st Offense Trafficking (to sell, barter, give away, or distribute)</td>
<td>9 yrs. $10,000 (2nd degree Felony)</td>
</tr>
<tr>
<td>Methamphetamine PCP Rohypnol, GHB</td>
<td>2nd or subsequent Offense Trafficking</td>
<td>18 yrs. $15,000 (1st degree Felony)</td>
</tr>
<tr>
<td>Cocaine/Heroin LSD, Other drugs</td>
<td>Possession</td>
<td>≤1 yr. $500 – 1,000</td>
</tr>
<tr>
<td>Prescription Drugs</td>
<td>Possession</td>
<td>≤1 yr. $500 – 1,000 (higher for narcotics)</td>
</tr>
<tr>
<td>Cocaine/Heroin LSD Other drugs</td>
<td>1st Offense Trafficking (to sell, barter, give away, or distribute)</td>
<td>≤3 yrs. ≤5,000 (3rd degree Felony)</td>
</tr>
<tr>
<td>Prescription Drugs</td>
<td>2nd or subsequent Offense Trafficking</td>
<td>9 yrs. $10,000 (2nd degree Felony)</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Cocaine/Heroin LSD, Other drugs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana</td>
<td>Possession, &lt;1 oz. 1st offense</td>
<td>≤ 15 dys. $50-100</td>
</tr>
<tr>
<td>Marijuana</td>
<td>Possession, 1-8 oz. 1st offense</td>
<td>&lt; 1 yr. $100-1,000</td>
</tr>
<tr>
<td>Marijuana</td>
<td>Possession, 8+ oz. 1st offense</td>
<td>18 mos. $5,000</td>
</tr>
<tr>
<td>Marijuana</td>
<td>1st Offense Trafficking (to sell,</td>
<td>18 mos. $5,000</td>
</tr>
<tr>
<td></td>
<td>barter, give away, or distribute)</td>
<td>&gt;100 lbs = 3 yrs. $5,000</td>
</tr>
</tbody>
</table>
SUPPORTIVE MEASURES

WHAT IS A SUPPORTIVE MEASURE?
If a person has been involved in sexual misconduct, they may need supportive measures to continue their education.

The University of New Mexico supports students affected by sexual harassment, gender-based discrimination, sexual misconduct, or sexual violence. Through the LoboRESPECT Advocacy Center, UNM can implement Academic and Administrative Measures, and through the Dean of Students UNM can implement Safety Measures designed to preserve the complainant’s educational experience, the safety of all parties and the broader University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation. Depending on the situation, these Measures may be placed on an interim or permanent basis, and are available to all students. However, when implementing these Measures, the University will seek to minimize the burden on the victim and/or complainant, in compliance with Title IX guidelines.

ACADEMIC AND ADMINISTRATIVE MEASURES
Advocates with the LoboRespect Advocacy Center can assist a student in accessing the following Academic and Administrative Measures:

- Assistance in accessing counseling and health care resources both on and off campus
- Contacting faculty on behalf of the student to help coordinate Measures for coursework
- Working with faculty and/or Registrar to make changes to the class assignment or class schedule
- Working with the Student Financial Aid/Scholarship Office to provide documentation on behalf of the student to facilitate any appeals process in the event financial aid or scholarships are at risk
- On campus housing assistance such as: temporary or permanent changes to a room assignment, or other housing needs
- Communication with on-campus supervisors for student employment or work-study job
- Helping to create safety strategies

SAFETY MEASURES
Interim Bans
The Dean of Students Office has the authority, under the Student Grievance Procedure to issue an Interim Ban when they determine there is a reasonable basis to conclude that the continued presence of the student/chartered student group at the University presents a significant risk of substantial harm, on-going threat to others, the entire University community, and/or University property.

An Interim Ban varies by length of time, and/or location. A student may be banned from the entire University or specific portions.

No Contact Directives
No Contact Directives can also be put in place by the Dean of Students Office to preventing contact and communication between two or more persons directly affiliated with UNM.

HOW DO I REQUEST SUPPORTIVE MEASURES?
The best place to begin questions regarding Supportive Measures is with an Advocate at the LoboRespect Advocacy Center, the Women’s Resource Center, or the LGTQ Resource Center. As confidential, anonymous reporting locations, the Advocates in these centers can help you explore all your rights an options without being required to report information to the UNM Title IX Coordinator.

WHERE SHOULD I GO IF I STILL HAVE QUESTIONS?