THE UNIVERSITY OF NEW MEXICO – GALLUP

ANNUAL CLERY REPORT 2018

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 1st of each year. This report informs their respective campus community 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 Gallup, including current and prospective faculty, staff and students of what safety features UNM-Gallup has to offer and what Clery Crime Statistics have been reported at UNM-Gallup. The Annual Security and Fire Safety Report (ASFSR) is published and distributed by UNM-Gallup via e-mail to all current faculty, staff and students each year, as part of the requirements of the Clery Act. The ASFSR can also be found on the UNM-Gallup Campus Police Web Page, via the campus safety link: https://www.gallup.unm.edu/campuspolice/. The ASFSR is also available in print form from the UNM-Gallup Campus Police Office at 705 Gurley Avenue, Gallup, NM 87301, upon request.

Preparing the ASFSR:

Each year the ASFSR for UNM-Gallup Campus is prepared by the UNM-Gallup Police Sergeant with assistance of the UNM-Gallup Director of Student Affairs. Through the efforts of these individual entities, an annual review of the following is used to put together UNM-Gallup'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-Gallup for the campus community;
- A review of the reporting avenues for the UNM-Gallup Community to report crimes to at UNM-Gallup.
- A reconciliation and review of the Crime Statistics that are required to be entered as part of the ASFSR;
- Additionally, the UNM Clery Act Compliance Officer 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-Gallup Campus

- UNM-Gallup Police Department
- Campus Security Authorities (CSAs) who handle the majority of conduct referrals at UNM-Gallup
- Campus Surveys are sent on an annual basis to all CSAs and law enforcement officials (according to UNM's Clery Geography), as determined by the Clery Act Compliance Officer, UNMGPD 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 Student Affairs
    - Director of Business Operations
    - Dean of Instruction

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

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

Whom should UNM Community Members specifically report Clery Crimes to:

It is preferred that UNM-Gallup students who are the victim of, or witness to, any crime on the UNM-Gallup campus accurately and promptly report incidents to UNM-Gallup Campus Police (505-863-7620). You can also report to one of our Anonymous/Statistical Reporting Sites, which include:

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

It is preferred that UNM-Gallup faculty and staff who are the victim of, or witness to, any crime on the UNM-Gallup Campus to accurately and promptly report incidents to UNM-Gallup Campus Police (505-863-7620). UNM –Gallup 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-Gallup also encourages all faculty, staff and students who are the victim of, or witness to, any crime on the UNM-Gallup Campus to accurately and promptly report incidents to:

- UNM-Gallup PD (505-863-7620) – All members of the UNM community including faculty, staff, students and visitors can report crimes to the UNM-Gallup PD.
- To your local police department if you are not located on the UNM-Gallup Campus.
- Office of Equal Opportunity (OEO) (505-277-5251) - All members of the UNM-Gallup 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 (505-863-7522) - All members of the UNM-Gallup community including faculty, staff, students and visitors can report crimes to the Student Conduct Officer or Dean of Students.
- Faculty/Staff Advisor of a Student Group – Students can report crimes to their faculty advisor to their student group.

Anonymous, Confidential and Voluntary Reporting:

We encourage all individuals to report crimes, however, when the victim or witness of a crime on the UNM-Gallup campus elects to or is unable to make such a report to the UNM-Gallup PD or their respective law enforcement agency, but wants it included as a statistic in the ASFSR 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) - Professional counselors with UNM's SHAC are not CSAs, so that crime reports made to counselors by UNM-Gallup students are not disclosed by the counselor to the UNM-Gallup PD or the Clery Act Compliance Office for inclusion in the annual disclosure of crime statistics. 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 campus security authority office or to the Office of Equal Opportunity (OEO).
  Phone Number: (505)277-3136 Website: (http://shac.unm.edu)

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

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 the Office of Equal Opportunity.

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

- 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 two 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):

- UNMPD's Anonymous Tip or Incident Form by going to the following website: https://police.unm.edu/default.aspx?MenuItemID=155&%20MenuGroup=Public+Home
- EthicsPoint 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-Gallup encourages all victims of crimes to accurately and promptly report the incident to one of the Advocacy Centers or to either SHAC if you are a student or to CARS if you are an employee of UNM. We encourage the UNM community to reach out to one of these areas, so that you can get the assistance you need, find out about the UNM resources and to understand more about the investigative process, should you elect to have the incident investigated.

Crimes that must be reported are:

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

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

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

Reporting To and Overview of the UNM-Gallup Police Department

All UNM-Gallup police officers are required to meet state certification standards mandated by the New Mexico Department of Public Safety. UNM-Gallup police officers are commissioned by the UNM Board of Regents (Section 29-5-2 NMSA 1978). They have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances and campus traffic regulations, and the authority to arrest.

The UNM-Gallup Police Department investigates complaints of on-campus criminal activity, working closely with the McKinley County Judicial District Attorney's Office to ensure effective prosecution. By statute, New Mexico State Police already has jurisdiction to enforce state laws within the entire state of New Mexico, which includes the UNM-Gallup.

In an emergency, you may dial 911 or 505-722-2002 (McKinley County Metro Dispatch). The 911 system automatically traces the location of all calls, which enables officers to respond even when a caller cannot provide the location. If you dial 911 from a campus telephone, the call will be received by McKinley County Dispatch Authority. Outside of the Gallup area, you will reach the appropriate law enforcement agency where the 911 system is utilized.

UNM-Gallup Police Department encourages faculty, staff and students who are the victim of, or witness to, any crime on the UNM-Gallup Campus to accurately and promptly report the incident to the UNM-Gallup Police by calling 505-863-7620. Crimes committed off the UNM –Gallup Campus should be reported to the appropriate police agency (Gallup Police Department, McKinley County Sheriff's Department, etc.). Under New Mexico law, the original entry police report must be made available for review upon request by a member of the public. Supplemental police reports detailing the investigation, and including the names of the accused, and witnesses are not available for public inspection during the course of the police investigation. Following the closure of the police investigation, the UNM-Gallup PD maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

Daily Crime Log:

UNM-Gallup PD maintains a Daily Crime Log of all crimes reported on the UNM-Gallup campus; this log includes:

- Date/Time Crime was Reported
- Date/Time Crime Occurred
- Incident Type
- Location of Incident
- Deposition

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

This information is public and can be found on the following webpage:
https://www.gallup.unm.edu/campuspolice/

Off Campus Students and Student Organization Reporting of Crimes

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

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

UNM-Gallup PD routinely works and communicates with the Gallup Police Department, the McKinley County Sheriff's Office, The New Mexico State Police, and a variety of federal agencies, both on-campus and in areas within close proximity to the campus.

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

Emergency Notification Processes

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

Emergency Notification (Lobo Alert)

Emergency Notifications (Alerts) notify the campus community of any significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. If the UNM-Gallup PD determines and verifies that a situation is an immediate threat to the health and safety of students or employees, it will notify the Chief Executive Officer (or designee) for the campus. The UNM-Gallup Police Sergeant (or designee) and the Chief Executive Officer will without delay decide if an emergency notification is warranted and will craft a message that takes into the account the safety of the UNM-Gallup community and determine the content of the notification. This message will include safety precautions to take, where the problem exists and what areas to avoid to keep themselves safe. Once the message is determined, the UNM-Gallup Police Sergeant (or designee) and the Chief Executive Officer will inform the Communications Director to initiate the Lobo Alerts System. This system allows for a text alert to be sent out to all members of campus, who have not opted out of receiving the text via LoboAlerts. This will

be followed up by an e-mail notification to all individuals who have an unm.edu e-mail address or members of the community who have signed up through the community site (as described below).

UNM-Gallup PD, in collaboration with first responders, will make an assessment if only a segment of the campus needs to take action and that information will be included within the e-mail notification sent out to all individuals with unm.edu e-mail address. The UNM-Gallup Communications Director will notify, as appropriate, the local news media and inform the local community via UNM-Gallup's social media accounts.

UNM-Gallup provides Emergency Notifications (Alerts) to the campus community via text messaging, email and UNM-Gallup's website.

Some examples of Emergency Notifications (Alerts) are:

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

Enrollment for Lobo Alerts:

All faculty, staff and students are automatically opted into Lobo Alerts. If a student did not provide a cell phone number on their application or changes their cell phone number and would like to receive the text message alerts, they can update their information by going to 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-Gallup Clery geography, and the situation poses a serious or continuing threat, the Communications Director, via directive from the UNM-Gallup Police Sergeant (or designee) or the UNM-Gallup Chief Executive Officer (or designee) 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 –Gallup Campus);
    - Non-campus (buildings not reasonably contiguous to the UNM-Gallup Campus, but are leased or owned by UNM-Gallup); and,
    - Public property (public property that is immediately adjacent to the UNM-Gallup 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-Gallup.

Once it has been determined that requirements above have been met the UNM-Gallup Police Sergeant (or designee) will notify the Communications Director (or designee) to initiate the Timely Warning Process. Ideally, the determination of a "serious or continuing threat" and the content of the message is made between the CEO, Communications Director, Campus PD and Clery Act Compliance Officer. However, each has the ability to make that determination unilaterally so as not to cause additional delay.

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-Gallup Communications Director will notify, as appropriate, the local news media and social media to inform the community outside of UNM-Gallup.

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

Emergency and Timely Warning Communication Avenues

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

- UNM E-Mail Alerts – UNM-Gallup will utilize the unm.edu e-mail as an avenue to distribute information to all faculty, staff and students regarding emergency information.
- UNM-Gallup Web Page – UNM-Gallup will also utilize the institution's website as an avenue to distribute information.
- Lobo Alerts – Is the UNM emergency texting system, where information about Emergencies or Timely Warnings will be distributed. All employees and students are automatically enrolled into this system.

Security and Access to the UNM-Gallup Campus:

We strive to make our campus safe by limiting access to buildings after hours. Classroom and other buildings on campus are generally open during regular business hours, when class is in session and for special events. Access to these buildings after hours 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 personnel conduct frequent internal and external checks of all buildings on campus.

UNM-Gallup is concerned about the safety/security considerations and maintenance of their campus facilities. Each semester UNM-Gallup performs a Safety Walk, where students, faculty and staff members evaluate the lighting and other safety hazards around the 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 UNM-Gallup PD are represented on committees that plan new buildings and the security utilized in the planning of those buildings. The UNM-Gallup Physical Plant will respond to safety and security hazards, such as broken windows or lighting concerns. The UNM-Gallup Physical Plant provides building maintenance with work orders being submitted through an online process.

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 (Sexual Misconduct and Response Team - SMART) Brochure. 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's 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's helpful to preserve as much information as possible. This also may be helpful in obtaining a restraining order.
- **Obtain a forensic exam**
  - UNM-Gallup PD 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:

Gallup Sexual Assault Nurse Examiner (SANE)

- Off Campus. SANE located at Gallup Indian Medical Center or Rehoboth McKinley Christian Hospital
- GIMC: 505.722.1000; RMCH: 505.863.7000
- 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.

REPORTING INCIDENTS OF CRIMES OF VIOLENCE INCLUDING SEXUAL MISCONDUCT	
Criminal Reporting Options (Should you wish to pursue this incident criminally) If the incident occurred on the UNM Gallup Campus, contact the UNM-Gallup PD – • UNM-Gallup PD can be reached by calling (505) 863-7620 • You may decline to notify law enforcement authorities	**Administrative/Disciplinary Reporting Option** (Should you wish to pursue administrative/ disciplinary complaint) Contact the Office of Equal Opportunity (OEO) at (505)277-5251 or by e-mail at oeounm.edu • OEO only investigates incidents and does not sanction • You may decline to notify OEO
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; information on supportive measures, including a handout, can be found at https://loborespect.unm.edu/support/supportive-measures.pdf

Student Supportive Measures

Supportive measures, including accommodations, are available in writing if the complainant requests them and if they are reasonably available, regardless whether the complainant chooses to report the crime to UNM-Gallup PD or the local law enforcement or otherwise make a report to the University (OEO or Director of Student Affairs). UNM-Gallup 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-Gallup community.

The LoboRESPECT Advocacy Center, with the assistance of Director of Student Affairs Office has the authority to implement interim safety measures, as an administrative investigation is underway to ensure the safety of the campus community as a whole. The LoboRESPECT Office and the Director of Student Affairs 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-Gallup Community. UNM-Gallup 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:

Protective and Supportive Measures
• Assistance in communicating with law enforcement and/or administrative investigative resources on campus
• Assistance in accessing counseling or health care resource both on the UNM Campus and in the community
• Academic accommodations, which may include working with professors regarding completion of coursework and with absences
• 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 - Gallup
• 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
• Potential to impose Interim Emergency Bans 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.

UNM Employees can seek supportive measures, through either:

Counseling and Referral Services (CARS) (505) 272-6868 **http://cars.unm.edu**
• Provides a safe and confidential setting in which clients may freely discuss concerns to promote emotional healing
• 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.
UNM Ombuds Services: (505) 277-2993 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.
• Offers assistance in developing options for reporting alleged violations of law or policy.

Investigative and Disciplinary Procedures:

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. Through the investigative process and disciplinary process, both the complainant and the respondent have the right to have an advisor of their choice present during any institutional investigative or disciplinary proceeding. Additionally, during the investigative process and disciplinary process, the complainant and respondent in crimes of violence (including sexual violence, dating violence, domestic violence and stalking) will be simultaneously notified, in writing, of the following:

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

Per UAP 2740, both the person bringing the concern (Complainant) and the person responding to the concern (Respondent) shall be entitled to the following, (Per UAP 2740):

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

still occur and decisions made based on the information available.
- To the same opportunity as the respondent to have others present at any meeting with University officials for support and/or consultation.
- To the same opportunity as the respondent to present and have others present evidence about alleged violations in investigatory and/or disciplinary proceedings.
- To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (victim is free to share the outcome with anyone they wish).
- To appeal the decision and sanctions determined by the Investigation and/or disciplinary proceedings.
- To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (respondent is free to share the outcome with anyone).
- To appeal the decision and sanctions determined by the Investigation and/or disciplinary proceedings.
- To be protected against retaliation for their involvement in university investigatory proceedings.

UNM-Gallup 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-Gallup Campus has the following disciplinary/sanctioning procedures for handling 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:

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

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

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:

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 administrative hearing or formal hearing as well as any appeal, and an acceptance of the findings and sanction.

iii. Administrative Hearing with the Student Conduct Officer: This option allows the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges.

The party waives the right to question such individuals or otherwise participate in an evidentiary hearing. Administrative Hearings are not tape recorded. Within three weeks of the completion of all witness interviews, the Student Conduct Officer will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Officer may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct.

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

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

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

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

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

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

I. Upon written request, 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 UN M Student Code of Conduct or university policy are warranted or other action should be taken.

ARTICLE 5. STUDENT CONDUCT COMMITTEE

5.1. Jurisdiction

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

5.2. Composition

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

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

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

D. A party charged may be found responsible for violating the Code of Conduct by a majority vote of the Student Conduct Committee.

5.3 Investigation Report

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

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

In cases involving allegations of discrimination as defined in Article 4.4 herein, the Final Letter of Determination issued by OEO will substitute for the Student Conduct Officer's Investigation Report. In such cases, the Student Conduct Committee may not consider the propriety of OEO's determination; rather, the Committee will be limited to determining what, if any, sanction will be imposed for the violation of policy as determined by 0EO 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 AN D 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.l (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.

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

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

UNM WEAPON'S POLICY

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

Any person failing to comply will become subject to appropriate disciplinary and/or criminal action. The UNM Weapons Policy is printed in its entirety in The UNM Pathfinder, which is available on-line at http://pathfinder.unm.edu/.

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

Allowable Self-Defense Items
• 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 • Stun Guns – with a maximum amperage of five (5) milliamps for self-defense purposes

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,

1) 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 (applicable on all UNM campuses)

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 the 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) detail federal and state sanctions for the unlawful possession or distribution of illicit drugs.

FEDERAL DRUG TRAFFICKING PENALTIES (Figure 1)

DRUG/ SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 – 4999 gms mixture	**First Offense:** 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. **Second Offense:** Not less than 10 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than $4 million if an individual, $10 million if not an individual.	5 kgs or more mixture	**First Offense:** Not less than 10 yrs, & not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than $4 million if an individual, $10 million if not an individual. **Second Offense:** Not less than 20 yrs, & 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. **2+ Prior Offenses:** Life in prison
Cocaine Base (Schedule II)	5 - 49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1- 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 – 499 gms mixture		50 gms or more pure, or 500 gms or more mixture	
PCP (Schedule II)	10-99 gms pure or 100 – 999 gms mixture		100 gm or more pure, or 1 kg or more mixture	

DRUG/ SCHEDULE	QUANTITY	PENALTIES
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	
Other Schedule III drugs	Any amount	**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.
Flunitrazepam (Schedule IV)	30 – 999 mgs	
All other Schedule IV 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 (Rohypnol) (Schedule IV)	Less than 30 mgs	
All schedule V drugs	Any amount	**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.

DRUG	QUANTITY	1ST OFFENSE	2ND OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	Not less than 10 yrs, not more than life. If death or serious injury, not less than 20 yrs, not more than life. Fine not more than $4 million if an individual, $10 million if not an individual.	Not less than 20 yrs, not more than life. If death or serious injury, mandatory life. Fine not more than $8 million if an individual, $20 million if not an individual.
Marijuana	100 kg - 999 kg mixture; or 100 – 999 plants	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.	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.
Marijuana	More than 10 kgs hashish; 50 – 99 kg mix. More than 1 kg of hashish oil; 50 – 99 plants	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.	Not more than 30 yrs. If death or serious injury, mandatory life. Fine $2 million if an individual, $10 million if not an individual.
Marijuana	1 – 49 plants; less than 50 kg mixture	Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual	Not more than 10 yrs. Fine $500,000 if an individual, $2 million if not an individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

NM DRUG LAWS (30-31-2 NMSA 1978) - (Figure 2)

DRUG	CONDITIONS QUANTITY	PENALTY Prison Fines
Methamphetamine PCP Rohypnol, GHB	Possession	18 mos. ≤ $5,000 (4th degree Felony)
Methamphetamine PCP Rohypnol * GHB	1st Offense Trafficking (to sell, barter, give away, or distribute)	9 yrs. ≤ $10,000 (2rd degree Felony)
Methamphetamine PCP Rohypnol, GHB	2nd or subsequent Offense Trafficking	18 yrs. $15,000 (1st degree Felony)
Cocaine/Heroin LSD , Other drugs	Possession	≤1 yr. $500 – 1,000
Prescription Drugs	Possession	≤1 yr. $500 – 1,000 (higher for narcotics)

Cocaine/Heroin LSD Other drugs	1st Offense Trafficking (to sell, barter, give away, or distribute)	≤ 3 yrs. ≤ $5,000 (3rd degree Felony)
Prescription Drugs Cocaine/Heroin LSD, Other drugs	2nd or subsequent Offense Trafficking	9 yrs. $10,000 (2nd degree Felony)
Marijuana	Possession, <1 oz. 1st offense Possession, 1-8 oz. 1st offense Possession, 8+ oz. 1st offense	≤ 15 dys. $50-100 < 1 yr. $100-1,000 18 mos. $5,000
Marijuana	1st Offense Trafficking (to sell, barter, give away, or distribute)	18 mos. $5,000 >100 lbs = 3 yrs. $5,000

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.

C.A.R.S. (Counseling, Assistance & Referral Service) 505-272-6868.
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), the UNM-Gallup PD 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.

A list of registered sex offenders is available online from the New Mexico Department of Public Safety at: http://www.nmsexoffender.dps. state.nm.us/ or by calling the Bernalillo County Sheriff's Department at (505) 468-7100.

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

UNM-Gallup is committed to educating members of its campus community through a number of ongoing educational and awareness programs. All incoming students receives 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 one hour in length and includes content that:

- 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 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

UNM-Gallup is committed to educating members of its campus community through a number of ongoing educational and awareness programs. All employees must complete the following mandatory training on an annual basis, which is the primary prevention and awareness programs for faculty and staff:

Intersections: Preventing Discrimination and Harassment:

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 content that:

- 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 of "consent"
- Discusses 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

General Campus Crime Prevention and Safety Related 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-Gallup offers information about safety and security awareness/prevention programs that are available to the UNM-Gallup campus community, as well as crime prevention services and tips. This information is designed to keep faculty, staff and students safe at UNM-Gallup. 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 each year, via an on-line platform through Learning Central and receive safety information at new employee orientation. The following is a list of programs or themes that the UNM campus does to address:

- Sexual misconduct prevention training, including dating violence, domestic violence, sexual assault and stalking.
- 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
- The importance of "consent"
- Safe Bystander Options for all
- Impact of Alcohol/Drugs on individuals
- Hazing related behavior

Protect the Pack:

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

Office of Equal Opportunity:

Campaign (Prevention and Awareness)	Target Audience	Frequency
Know Your Title IX (Tabling)	UNM Community, including prospective students	Several Times Annually

Active Bystander Intervention:

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

Steps to becoming an Active Bystander:

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

5. Determine how to implement your choice(s) safely.
   Examples of safe bystander interventions:

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

Definitions:

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

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

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

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

Risk Reduction: Information or programs designed to lessen the risk of sexual misconduct, domestic violence, dating violence and stalking.

As Lobos, you should remember to "Protect the Pack"

University of New Mexico-Gallup Campus Crimes

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

Clery Reportable Crimes

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

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

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

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

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

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

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

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

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

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

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

Domestic Violence (Per Policy 2740) - Under state law, domestic violence is defined 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.

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

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

Domestic Violence:

A felony or misdemeanor crime of violence committed by:

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

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

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

d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

e. Any person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

Dating Violence:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

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

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

Stalking:

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

Unfounded Crimes - Crimes that the UNM-Gallup PD have found to be baseless or false through investigation by their department. Only the UNM-Gallup PD 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-Gallup Crime Statistics

UNM-Gallup 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).

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

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

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. UNM-Gallup does not have residential facilities.

UNM Gallup Campus - Clery Crime Statistics (2017, 2016 and 2015)

Crime Classifications		On Campus Property	Non Campus	Public	Total
Murder/Non-Negligent Manslaughter	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Negligent Manslaughter	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Rape	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Fondling	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Incest	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Statutory Rape	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Robbery	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Aggravated Assault	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Motor Vehicle Theft	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Arson	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Burglary	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Liquor Law Arrest	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

Drug Arrest	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Illegal Weapons Arrest	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
VAWA Clery Crimes					
Dating Violence	**2017**	0	0	0	0
	2016	1[1]	0	0	1[1]
	2015	0	0	0	0
Domestic Violence	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Stalking	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Referrals for Disciplinary Action					
Liquor Law Referrals	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Drug Law Referrals	**2017**	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Weapons Law Referrals	**2017**	1	0	0	1
	2016	0	0	0	0
	2015	0	0	0	0

[1] There was 1 report of Dating Violence in 2016 not included in our previous Clery Report. These numbers reflect the new totals.

Unfounded Crimes:

There were 0 unfounded crimes for 2017, 0 unfounded crime for 2016 and 0 unfounded crimes for 2015.

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