

THE UNIVERSITY OF NEW MEXICO - GALLUP



ANNUAL CLERY REPORT 2024

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

The Clery Act requires all colleges and universities across the country to publish an annual safety report by October 1 of each year. This report informs 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 community, 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 (ASF SR) 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 ASF SR can also be found on the UNM-Gallup Campus Police Web Page, via the campus safety link: <https://www.gallup.unm.edu/campuspolice/>. The ASF SR is also available in print form from the UNM-Gallup Campus Police Office at 705 Gurley Avenue, Gallup, NM 87301, upon request.

Preparing the ASF SR:

Each year the ASF SR for UNM-Gallup Campus is prepared by the UNM-Gallup Director of Student Affairs with assistance of the UNM-Gallup Police Department. Through the efforts of these individual entities, an annual review of the following is used to put together UNM-Gallup's ASF SR:

- A review of applicable policies that are required as part of the ASF SR;
- 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 ASF SR;

Additionally, the UNM Clery Act Compliance Officer will keep updated with any new initiatives or compliance information to be placed in the ASF SR, 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.

Where should UNM-Gallup Community Members Report Clery Crimes?

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 ASF SR 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 UNM Compliance Office.

- **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 three online or telephone reporting sites have enough detail that it is a Clery reportable crime, then this de-identified information will be shared with the Clery Act Compliance Officer by UNMPD or via one of the investigative agencies that handles EthicsPoint reports.

- UNMPD’s Anonymous Tip or Incident Form by going to the following website:

<https://police.unm.edu/default.aspx?MenuItemID=155&%20MenuGroup=Public+Home>

- 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
- Disposition

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 Chancellor (or designee) for the campus. The UNM-Gallup Police Sergeant (or designee) and the Chancellor 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. UNM-Gallup PD, in

collaboration with first responders, will make an assessment if only a segment of the campus needs to act and that information will be included within the e-mail notification sent out to all individuals with unm.edu e-mail address. Once the message is determined, the UNM-Gallup Police Sergeant (or designee) and the Chancellor will inform the Communications Director to initiate the Lobo Alert System. 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

In instances where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or mitigate the emergency are not subject to the emergency notification requirement.

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>

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 Chancellor (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 Chancellor, 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 un.m.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 un.m.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.

A SURVIVOR'S GUIDE TO RIGHTS & OPTIONS AT UNM

This section provides information about the rights of students and employees after they have experienced an incident involving dating violence, domestic violence, sexual assault, or stalking. It is also available in pdf and ebook formats on the Office of Compliance, Ethics & Equal Opportunity's webpage as [*A Survivor's Guide to Rights & Options at UNM*](#).

When a student or employee reports to a University official that they have been a victim of sexual assault, domestic violence, dating violence, or stalking, whether the offense occurred on or off campus, UNM will provide the student or employee with a written explanation of their rights and options, to include:

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

- Each type of disciplinary proceeding used by the University; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding;
- How to file a disciplinary complaint;
- How UNM determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;
- A description of the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;
- A list all of the possible sanctions that the University may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking;
- A description of the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;
- An explanation that the proceedings will:
 - Include a prompt, fair, and impartial process from the initial investigation to the final result;
 - Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
 - Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
 - Require simultaneous notification, in writing, to both the accuser and the accused, of:
 - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
 - Any change to the result; and
 - When such results become final.

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

- Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
- Conducted in a manner that:
 - Is consistent with the institution's policies and transparent to the accuser and accused;

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

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

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

“Result” means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

Disclosure of the Results of Disciplinary Proceedings

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

How UNM Protects Your Confidentiality

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

First Steps to Consider Following an Act of Interpersonal Violence

Get to a safe place. If you need medical assistance, don't wait. The following are medical centers in Gallup and the surrounding region that are equipped to handle urgent and emergency medical needs:

Rehoboth McKinley Christian Hospital
1901 Red Rock Drive, Gallup, NM 87301
505.863.7000

Gallup Indian Medical Center
516 Nizhoni Blvd, Gallup, NM 87301
505.722.1000

Crownpoint Health Care Facility
Hwy Junction 57, Rt9, Crownpoint, NM 87313
505.786.5291

Zuni Comprehensive Health Center
Route 301 North 21 B. Avenue, Zuni, NM 87327
505.782.4431

Sexual Assault Nurse Examiners (SANE)

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

Rehoboth McKinley Christian Hospital
1901 Red Rock Drive, Gallup, NM 87301
505.863.7000

Gallup Indian Medical Center
516 Nizhoni Blvd, Gallup, NM 87301
505.722.1000

Before your visit to SANE, try to avoid:

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

The Importance of Preserving Evidence

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

Here are some tips:

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

Restraining Orders

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

A Domestic Violence Order of Protection is a type of Restraining Order the court issues for someone whose household member has abused or threatened to abuse them, regardless of whether they live together, or for someone who has been stalked or sexually assaulted by someone who is not a household member. A Civil Harassment Restraining Order (Temporary Restraining Order, or TRO)

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

Who can help me Obtain a Restraining Order?

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

UNM-Gallup's Responsibilities in Relation to Orders of Protection

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

- Obtaining an Order and, when the respondent lives on or near campus, assisting with serving the order to the respondent,
- Locating a Domestic Violence Advocate to assist you through the court hearing proceedings and driving you to your meetings with them, and
- Work with external agencies to help increase patrols near your residence.

No Contact Directives

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

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

To Request an NCD through a Confidential Resource:

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

REPORTING AN INCIDENT TO LAW ENFORCEMENT

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

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

Does UNM have its own police force?

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

How do I make a police report?

To report a crime to law enforcement, UNM recommends calling the non-emergency number of the agency that has primary jurisdiction where the incident occurred. If you are unsure of which one to call, contact UNMGPD (505.863.7620) and they can help you determine which agency to notify.

What can I expect after reporting?

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

Can someone help me report to police?

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

UNM-Gallup Police Department
705 Gurley Avenue, Gurley Hall
Gallup, NM 87301
505.863.7620

Gallup Police Department
451 Boardman Drive
Gallup, NM 87301
505.863.9365

McKinley County Sheriff's Office
300B Nizhoni Blvd.
Gallup, NM 87301
505.863.1410

Navajo Nation Police Department
5299 Window Rock Blvd.
Window Rock, AZ 86515
928.871.6111

REPORTING AN INCIDENT TO UNM

How UNM Reports of Sexual Assault, Domestic Violence, Dating Violence & Stalking

The Office of Compliance, Ethics & Equal Opportunity (CEEEO) is the independent, impartial, and neutral campus office designated to respond administratively to allegations of any Violence Against Women Act (VAWA) crime (sexual assault, domestic violence, dating violence, or stalking), regardless of where the incident occurred.

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

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

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

UNM's CEEEO Grievance Procedure (CGP) dictates the process by which UNM responds to a

report of sexual assault, domestic violence, dating violence, or stalking, regardless of which policy is invoked. The grievance process is the same for UNM students, faculty, and staff. CEEO's Discrimination Grievance Procedure (DGP) dictates the process for reports of sex-based incidents that occurred prior to August 1, 2024.

Jurisdiction

Regardless of where the alleged conduct occurred, a VAWA crime is considered jurisdictional to CEEO if at least one of the parties involved is affiliated with the University through enrollment, employment, or contact and at least one of the following conditions is met:

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

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

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

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

Alternative Resolution

An alternative resolution (AR) is a path designed to eliminate the alleged discriminatory or harassing conduct, prevent its recurrence, and remedy its effects in a manner that ensures compliance, along with the safety and welfare of the campus community. This is an informal process where an investigation is not conducted and the allegations in the report are neither corroborated nor contested. An AR is not disciplinary in nature.

Investigation

During an investigation, CEEO acts as a neutral finder of facts. A Compliance Specialist assigned

to the case conducts interviews with the Complainant, Respondent, and any witnesses, gathers evidence, and compiles an Investigative Report. After both parties have had a chance to review it and add any new information they may have, CEEO concludes the investigation, finalizes the Investigative Report, and provides it simultaneously to both parties and the UNM Hearing Office.

Live Hearing

The UNM Hearing Officer (HO) presides over a live hearing to adjudicate the complaint and determine whether the Respondent's behavior violated UNM policy. The HO reaches a determination by examining the evidence in CEEO's Investigative Report, listening to statements, and applying a preponderance of the evidence standard. If the HO finds someone responsible by applying this standard, it means they determined it was more likely than not the person was engaged in the behavior for which they were accused. The Hearing Office notifies both parties in writing about the HO's Final Determination simultaneously.

Dismissals & Withdrawals

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

Right to Appeal

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

General Timelines

CEEEO attempts to resolve all reports in a timely manner, and generally concluding investigations within sixty (60) calendar days. However, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances (e.g., numerous witnesses, newly discovered evidence, new allegations, good cause extension). In investigations where there is also a criminal investigation being conducted by law enforcement, the CEEEO process will run concurrently with such an investigation. CEEEO may grant temporary delays reasonably requested by law enforcement for evidence gathering and preservation.

Remedies

Upon a Respondent's finding of responsibility under UAP 2740, the Complainant may also be provided with remedies to maintain their equal access to the working and learning environment in addition to supportive measures they may have in place. Remedies can take the form of disciplinary measures for the Respondent.

Sanctions

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

Students

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

Visitors

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

Unrepresented Faculty

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

Faculty Members of United Academics - UNM Units 1 & 2

- Censure
- Suspension without pay
- Termination

Unrepresented Staff

- Letter of improvement
- Written warning
- Suspension
- Discharge

Employee Members of United Staff - UNM

Letter of improvement
Written warnings/notice
Suspension
Discharge

Employee Members of UNM Police Officer's Association - Albuquerque

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

Employee Members of Communications Workers of America

Letter of improvement
Written warning
Suspension
Discharge

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

Written reprimand
Suspension without pay
Discharge

Know Your Rights

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

- Proceedings that
 - include a prompt, fair, and impartial process from the initial investigation to the final result.
 - are completed within reasonably prompt timeframes as designated by UNM policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - are conducted in a manner that is consistent with UNM's policies, transparent to the accuser and accused, and by campus officials who:
 - receive, at a minimum, annual training on the issues related to sexual assault, domestic violence, dating violence, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability[^] and
 - do not have a conflict of interest or bias for or against the Complainant or Respondent.[^]
- Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.[^]
- Receive timely notice of meetings at which the accuser or accused, or both, may be present.[^]

- Examine and respond to all evidence gathered by CEEO.^
- Be accompanied by others during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by a support person of your choice during the CEEO process—including during the investigatory stage—to help you navigate UNM’s administrative processes.*^
- Supportive measures throughout the administrative resolution process.^
- Simultaneous, written notification of:
 - the results of any disciplinary proceeding,^
 - the right to appeal a decision and the procedures for doing so,^
 - any change to the results,^ and
 - once the results become final.^
- Appeal a dismissal, a Hearing Office Final Determination, or accompanying sanction to the Office of the President within seven business days of the date the Hearing Office issues its Final Determination, and to receive notice in writing of the final outcome after the appeal is resolved.^

* A support person’s role is to assist the party in navigating UNM’s administrative processes. Support person roles may vary based upon the specific needs of the party. In the event a CEEO investigation advances to a hearing, the parties are required to have an Advisor of their choice. The Advisor assists the party during the hearing stage, including conducting cross-examination of the opposing party and witnesses.

^ Available to both Complainants and Respondents

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

LoboRESPECT Advocacy Center (LRAC)*

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

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262, Albuquerque, NM 87131

505-277-2911 | loborespect@unm.edu

Confidential

Supportive Measures

Advocacy

Women’s Resource Center (WRC)*

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

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 1160, Albuquerque, NM 87106

505-277-3716 | women@unm.edu

Confidential

Supportive Measures

Advocacy

LGBTQ Resource Center*

The LGBTQ Resource Center offers services and support for LGBTQ+ individuals at UNM.

919 Las Lomas NE (Bldg 168), Albuquerque, NM 87131

505-277-5428 | lgbtqrc@unm.edu

Confidential

Supportive Measures

Advocacy

Ombuds Services*

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

1800 Las Lomas Blvd NE (Bldg 29), Albuquerque, NM 87106

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

Visits by appointment only.)

505-277-2993 | ombuds@unm.edu

Confidential

Compliance, Ethics & Equal Opportunity (CEEO)*

609 Buena Vista Dr NE (Bldg 42), Albuquerque, NM 87106

505-277-5251 | ceeo@unm.edu

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

TITLE IX Coordinator | Dr. Angela Catena: acatena@unm.edu

Supportive Measures

Supportive Measures for Students

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

supportive measures. Examples include:

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

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

Counseling, Assistance & Referral Services (CARS)*

1800 Mesa Vista Rd NE (Bldg 184)

Albuquerque, NM 87106

505-277-3136 | cars@unm.edu

Confidential

Ombuds Services*

1800 Las Lomas Blvd NE (Bldg 29)

Albuquerque, NM 87106

(SE corner of Buena Vista Rd NE & Las Lomas Blvd NE. Visits by appointment only.)

505-277-2993 | ombuds@unm.edu

Confidential

Compliance, Ethics & Equal Opportunity (CEEEO)*

609 Buena Vista Dr NE (Bldg 42)

Albuquerque, NM 87106

505-277-5251 | ceeo@unm.edu

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

TITLE IX Coordinator

Dr. Angela Catena: acatena@unm.edu

Supportive Measures

Supportive Measures for Employees

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

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

ON-CAMPUS RESOURCES

S: Available to UNM students

E: Available to UNM employees

Health & Medical Assistance

UNM Student Health & Counseling (SHAC) S

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

300 Cornell Dr NE (Bldg 73)

Albuquerque, NM 87131

Opposite the southeast corner of the SUB.

505-277-3136 | shac@unm.edu

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

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

UNM Health Gallup Specialty Care Clinic S E

205 Nizhoni Blvd, Ste 3

Gallup, NM 87301

505-925-7505

UNM Telehealth S

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

Counseling & Mental Health

UNM Adult Psychiatric Center *S E*

The state's largest community mental health care provider, UNM Psychiatric Center provides a full spectrum of behavioral health care for thousands of New Mexicans each year, including psychiatric emergency or urgent care.

2600 Marble Ave (Bldg 299)

Albuquerque, NM 87106

505-272-2800

24/7 emergency services: 505-272-2920

Psychiatric urgent care: 505-272-9038

Counseling, Assistance & Referral Services (CARS) *E*

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

1800 Mesa Vista Rd NE (Bldg 184)

Albuquerque, NM 87106

505-277-3136 | cars@unm.edu

UNM Student Health & Counseling (SHAC) *S*

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

300 Cornell Dr NE (Bldg 73)

Albuquerque, NM 87131

Opposite the southeast corner of the SUB.

505-277-3136 | shac@unm.edu

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

TimelyCare Telehealth *S*

Free, 24/7 access to virtual care services, self-care, and well-being tools for UNM students. No insurance needed.

Download at the App Store or Google Play.

833-4-TIMELY (833-484-6359)

UNM behavioral Health Clinic *S E*

Help for substance use and mental health conditions.

2600 College Blvd NE

Rio Rancho, NM 87144

505-994-5050

Manzanita Counseling Training Clinic *S E*

Free counseling open to all UNM community members.

Manzanita Hall (Bldg 70)
600 E University Blvd NE
Albuquerque, NM 87106
505-277-7311 | manzanita@unm.edu

Mental Health Collaborative (MHC) *S*

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

mhccounseling@unm.edu

Women's Resource Center

505-277-3716 | wrccounseling@unm.edu

El Centro de la Raza

505-277-5020 | elcentrocounseling@unm.edu

Accessibility Resource Center

505-277-3506 | arccounseling@unm.edu

Ombuds Services *S E*

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

1800 Las Lomas Blvd NE (Bldg 29)

Albuquerque, NM 87106

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

Visits by appointment only.

505-277-2993 | ombuds@unm.edu

Human Resources *E*

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

John and June Perovich Business Center (Bldg 183)

1700 Lomas Blvd NE

Albuquerque, NM 87131

505-277-6947 | hrfiles@unm.edu

victim/survivor advocacy

LoboRESPECT Advocacy Center (LRAC) *S*

A place of confidential advocacy, safety, and support.

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | loborespect@unm.edu

Women's Resource Center (WRC) *S*

A place of confidential advocacy, safety, and support.

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 1160

Albuquerque, NM 87106
505-277-3716 | women@unm.edu
Vassar house S

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

LGBTQ Resource Center S E

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

Crisis Hotlines

LoboRESPECT Advocacy Center (LRAC) Hotline S

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

Student Health and Counseling (SHAC) S

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

TimelyCare Telehealth S

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

Emergency Food & Housing

UNM-Valencia Campus Food Pantry S E

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

UNM-Taos Lobo Food Pantry S E

Stocked with take-home food, snacks, and other necessities. Free for students and family of students.
Cabinets are located in front of Fred Peralta Hall (art building on Klauer campus) and at Rio Grande Hall.
Taos, NM 87557

575-737-3697 | chartmen8@unm.edu

LoboRESPECT Advocacy Center (LRAC Housing/Shelter Services) S

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

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | loborespect@unm.edu

Legal Assistance

LoboRESPECT Advocacy Center (LRAC) Legal Aid Assistance S

Legal service referrals for UNM students.

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | loborespect@unm.edu

UNM Law Clinic S E

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

UNM School of Law - Bratton Hall (Bldg 218)

1117 Stanford Dr NE

Albuquerque, NM 87106

505-277-2146

Visa & Immigration Assistance

LoboRESPECT Advocacy Center (LRAC) Immigration Services S

VISA and immigration assistance referrals for UNM students.

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | loborespect@unm.edu

UNM Law Clinic S E

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

UNM School of Law - Bratton Hall (Bldg 218)

1117 Stanford Dr NE

Albuquerque, NM 87106

505-277-2146

Student Financial Aid

UNM Student Financial Aid

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

UNM One Stop

Mesa Vista Hall (Bldg 56), north side

302 Cornell Dr

Albuquerque, NM 87131

1-800-CALLUNM | 505-277-8900 | onestop@unm.edu

UNM-Gallup Student Financial Aid Office S

Student Services and Technology Center (SSTC)

705 Gurley Ave

Gallup, NM 87301

505-863-7601 | gallupfinancialaid@unm.edu

Transportation Assistance & Services

UNM-Gallup Police Department S E

Offers safety escort services to and from locations on campus and parking permits for UNM community members.

705 Gurley Avenue, Gurley Hall

Gallup, NM 87301

505.863.7620

UNM Accessibility Resource Center (ARC)

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

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 2021

Albuquerque, NM 87131

505-277-3506 | arc@unm.edu

UNM-Gallup ARC S

505-863-7527 | sarviso2@unm.edu

UNM Office of Compliance, Ethics & Equal Opportunity (CEEO) E

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

609 Buena Vista Rd NE (Bldg 42)

Albuquerque, NM 87131

505-277-5251 | ceeo@unm.edu

Support for Veterans

UNM Veteran & Military Resource Center

Services and support for student veterans at UNM.
608 Buena Vista Dr NE (Bldg 20A)
Albuquerque, NM 87131
505-277-3181 | vrc@unm.edu

UNM-Gallup Veterans Resource Center S
505-863-7527 | sarviso2@unm.edu

Support for International Students & Employees

UNM International Student and Scholar Services (ISSS) S E

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

Global Education Office (GEO)
Mesa Vista Hall (Bldg 56)
301 Cornell Dr NW, Rm 2120
Albuquerque, NM 87131
505-277-4032 | geo@unm.edu

COMMUNITY RESOURCES

Sexual Assault Services

New Coalition of Sexual Assault Programs, Inc (NMCSAP)

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

Alamogordo: Southern NM Wellness Alliance
Alamogordo, NM 88310
24/7 Dispatch: 575-430-9485

Albuquerque: Albuquerque Sexual Assault Nurse Examiner (SANE) Collaborative
625 Silver Ave SW, 2nd Flr
Albuquerque, NM 87102
UNMPD can provide transportation, even if you do not want to file a police report!
24/7 Dispatch: 505-884-SANE (7263)

Carlsbad: SPEAK SANE/DV Exam Services
Cavern City CAC
1313 W Mermod St

Carlsbad, NM 88220
24/7 Dispatch: 575-303-7070

Los Lunas: Valencia Shelter Services Satellite SANE
445 Camino Del Rey SW, Ste B
Los Lunas, NM 87031
UNMVPD can provide transportation, even if you do not want to file a police report!
24/7 Dispatch: 505-864-1283

Farmington: Sexual Assault Services of Northwest NM
622 W Maple St, Ste F
Farmington, NM 87401
24/7 Dispatch: 505-325-2805

Gallup: Sexual Assault Services of Northwest New Mexico (SASNWNM-Gallup)
111 S 1st St
Gallup, NM 87301
505-399-5940
UNMGPD can provide transportation, even if you do not want to file a police report!
24/7 Dispatch: 866-908-4700

Hobbs: The Phoenix House Hobbs SANE
221 E Green Acres Dr
Hobbs, NM 88240
24/7 Dispatch: 575-433-3322

Las Cruces: Las Cruces La Piñon SANE Project
Memorial Medical Center
2450 S Telshorb Blvd
Las Cruces, NM 88011
24/7 Dispatch: 888-595-7273

Portales: Arise Sexual Assault Services
801 W 18th St
Portales, NM 88130
24/7 Dispatch: 575-226-7263

Roswell: I Can Survive Roswell Refuge SANE Project
1215 N Garden Ave
Roswell, NM 88201
24/7 Dispatch: 575-627-8361

Santa Fe: Christus St. Vincent Regional Medical Center SANE Program
Solace Sexual Assault Services
6601 Valentine Wy
Santa Fe, NM 87507

24/7 Dispatch: 505-989-5952

Silver City: Silver Regional Sexual Assault Support Services and SANE

La Clínica

3201 N Ridge Loop Dr

Silver City, NM 88061

24/7 Dispatch: 866-750-6474

Taos: Taos/Holy Cross Hospital SANE Program

Holy Cross Medical Center

1397 Weimer Rd

Taos, NM 87571

24/7 Dispatch: 575-751-8990

Health & Medical Assistance

Veteran Affairs Health Care

1501 San Pedro Dr SE

Albuquerque, NM 87108

505-265-1711

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

Rehoboth McKinley Christian Health Care Services Emergency Room

1901 Redrock Dr

Gallup, NM 87301

505-863-7141

Gallup Indian Medical Center

A 99-bed hospital located on the border of the Navajo Reservation.

516 E Nizhoni Blvd

Gallup, NM 87301

505-722-1000

24/7 Nurse Advice Line: 505-985-5206

Hiroshi “Hershey” Miyamura VA Clinic

U.S. Department of Veterans Affairs (VA) outpatient primary and specialty health care services for Gallup’s Veteran community.

2075 S NM Hwy 602

Gallup, NM 87301

505-722-7234

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

Crownpoint Health Care Facility

Hwy Junction 57, Rt9

Crownpoint, NM 87313

505.786.5291

Zuni Comprehensive Health Center

Route 301 North 21 B. Avenue

Zuni, NM 87327

505.782.4431

Counseling & Mental Health

Albuquerque Vet Center

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

2001 Mountain Rd NW

Albuquerque, NM 87104

505-346-6562

24/7 Call Center: 877-927-8387

New Mexico Solutions

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

707 Broadway Blvd NE, Ste 500

Albuquerque, NM 87102

505-268-0701

2551 Coors Blvd NW

Albuquerque, NM 87102

505-833-2300

Crisis Line: 800-433-7291

Gallup Family Counseling

A wide range of therapy and treatment options for mental health and substance use disorders, medication evaluation and management, and crisis intervention offered by Presbyterian Medical Services (PMS).

2025 E Aztec Ave

Gallup, NM 87301

505-863-3828

Gallup Community Health

Gallup Community Health's mission is to provide excellent and accessible medical care to our community, regardless of ability to pay.

2111 College Drive

Gallup, NM 87301

505.397.5172

Victim/Survivor Advocacy

Rape Crisis Center of Central New Mexico

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

9741 Candelaria Rd NE

Albuquerque, NM 87112

505-266-7711 | info@rapecrisisnm.org

Albuquerque Family Advocacy Center

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

625 Silver Ave SW, #2

Albuquerque, NM 87102

505-243-2333

Haven House Crisis Line

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

505-896-4869

NM Coalition Against Domestic Violence

Support and assistance with domestic violence programs across the state.

2425 Alamo Ave SE

Albuquerque, NM 87106

505-246-9240 or 800-799-7233

Crisis Center of Northern New Mexico (CCNNM)

CCNNM is the only domestic violence shelter in Rio Arriba providing 24/7 shelter, crisis intervention, counseling, skills and knowledge groups, case management, and legal advocacy for survivors of domestic abuse from Rio Arriba, Los Alamos, Santa Fe County, and eight Northern Pueblos. CCNNM also works with people who identify as Lesbian, Gay, Bisexual, Transgender and Intersex.

505-753-1656 | ccnnm@crisis-centers.org

Transgender Resource Center of NM

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

5600 Domingo Rd NE

Albuquerque, NM 87108

505-200-9086 | tgrcnm@tgrcnm.org

Casa Fortaleza

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

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

2340 Alamo Ave SE, Ste 124

Albuquerque, NM 87106

505-910-4031

Enlace Comunitario

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

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

2425 Alamo Ave SE

Albuquerque, NM 87106

505-246-8972

New Mexico Asian Family Center

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

505-717-2877

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

ご不明な点がございましたら: 505-934-5686

如果您有疑问: 505-526-8644

لسوا گونه ره امش رگا: 4345-934-505

Battered Families Services, inc.

Provides emergency shelter for families who are in immediate threat and in need of safety and safety planning for families in need of safety guidelines.

207 S Strong Dr

Gallup, NM 87301

24/7 Crisis Line: 505-722-7483

Crisis Hotlines

Agora Crisis Center Hotline

Immediate assistance and referrals for those in crisis.

505-277-3013

National Suicide & Crisis Lifeline

A centralized, single telephone number to get immediate assistance and resources for mental health and substance use issues.

988 or 1-855-NMCrisis (855-662-7474) or

855-227-5485 (TTY)

Healthcare Worker & First Responder Support Line

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

Albuquerque Vet Center

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

Peer to Peer Warmline

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

National Domestic Violence Hotline

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

National Human Trafficking Hotline

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

RAINN: National Sexual Assault Hotline

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

Veteran Crisis Line

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

Lifeline for Vets

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

Homelessness Hotline

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

Trans Lifeline

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

Emergency Food & Housing

Roadrunner Food Bank of New Mexico

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

505-349-5340 or 505-523-4390

Gallup Community Pantry

Free produce, emergency food boxes, food for kids, mobile pantry deliveries, and resources for seniors.

1130 Hasler Valley Rd

Gallup, NM 87301

505-726-8068 | coo@thecommunitypantry.org

Statewide Homeless Resource Helpline

Provides resources and referrals related to homelessness.

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

768-help@nmceh.org

Esperanza Shelter Domestic Abuse Services

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

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

505-474-5536

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

Helen's Housing – Domestic violence/sexual assault shelter

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

Administrative Offices

445 Camino Del Rey Dr, Ste E

Los Lunas, NM 87031

505-864-1283 | referrals@valenciashelterservices.org

St Elizabeth Shelters & Supportive Housing

Assists homeless individuals and families by providing emergency shelter, food, case management, counseling, supportive housing, and referrals to partnering human-service agencies.

Men's Emergency Shelter
804 Alarid St
Santa Fe, NM 87507
505-982-6611

Casa Familia
1604 Berry Ave
Santa Fe, NM 87505
505-983-2042

Casa Cerrillos
1905 Siringo Rd
Santa Fe, NM 87505
505-471-3456

Sonrisa
6321 Jaguar Dr
Santa Fe, NM 87507
505-424-6973

Santa Fe Suites
3007 S St Francis Dr
Santa Fe, NM 87505
505-982-1154

Legal Assistance

New Mexico Legal Aid

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

505 Marquette Ave NE

Albuquerque, NM 87102

Business phone: 1-866-416-1992

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

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

Volunteer Attorney Program: Family Law Clinic

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

400 Lomas Blvd NW

Albuquerque, NM 87102

1-877-266-9861

Visa & Immigration Assistance

New Mexico Immigrant Law Center

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

625 Silver Ave SW, Ste 410

Albuquerque, NM 87102

505-247-1023

Catholic Charities VAVW Immigration Project

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

2010 Bridge Blvd SW

Albuquerque, NM 87105

505-724-4670 | info@ccasfnm.org

Casa Reina Sisters of Our Lady of Guadalupe & St Joseph (Gallup office)

Assist in paralegal and immigration matters.

Ayuda en asuntos de asistente legal e inmigración.

505-722-5511

Student Financial Aid

U.S. Department of Education Federal Student Aid

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

1-800-433-3243

Transportation Assistance & Services

Navajo Transit System

Bus routes throughout the Navajo Nation.

928-729-4002 | navajotransit@outlook.com

Gallup Express

Provides local transportation in Gallup and Zuni, as well as intercity service between the two towns.

505-243-RIDE (7433)

A:Shiwi Transit

The Pueblo of Zuni A:shiwi Transit has partnered with the Gallup Express and Navajo Transit System to offer a comprehensive public transportation option to access educational, employment, and leisure opportunities.

505-782-7288

Assistance for People with Disabilities

Aging and Disability Resource Center (ADRC) of New Mexico

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

2550 Cerrillos Rd
Santa Fe, NM 87505
1-800-432-2080

Human Services Department of New Mexico

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

Bernalillo County Field Office

1041 Lamberton Pl NE
Albuquerque, NM 87110
1-800-283-4465

McKinley County Field Office

3006 E Hwy 66
Gallup, NM 87301
1-800-283-4465

Housing Assistance

U.S. Department of Housing and Urban Development (HUD)

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

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

Gallup Housing Authority

Provides quality housing for those with limited incomes.

203 Debra Dr
Gallup, NM 87301
505-722-4388

Habitat for Humanity

Assists individuals and families with finding affordable housing.

HFH Gallup
505-722-4226 | habitatgallup@gmail.com

Support for Veterans

Military Onesource

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

800-342-9647

City of Albuquerque Office of Military and Veterans Affairs

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

Dennis Chavez Federal Building

500 Gold Ave SW

Albuquerque, NM 87102

505-768-3000

Albuquerque Vet Center

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

2001 Mountain Rd NW

Albuquerque, NM 87104

505-346-6562

24/7 Call Center: 877-927-8387

Hiroshi "Hershey" Miyamura VA Clinic

U.S. Department of Veterans Affairs clinic that provides primary and specialty health care services, including telehealth (mental health), heart monitoring, social work, women's health, EKG, and more.

2075 S NM Hwy 602

Gallup, NM 87301

505-722-7234

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

Support for International Students

No community services currently available.

Auxiliary Safety Assistance

No community services currently available.

IMPORTANT DEFINITIONS

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

- 2013 Reauthorization of the Violence Against Women Act (VAWA) amendments to the Clery Act, which UNM uses in its campus disciplinary process pursuant to University Administrative Policies (UAPs) 2720, 2740, and 2745 and the
- State of New Mexico, which law enforcement uses to pursue charges against an offender in the criminal justice system. Knowing the State of New Mexico laws pertaining to VAWA crimes is useful for helping you understand your options should you choose to pursue charges through the criminal justice system.

UNM encourages anyone who experiences sexual assault, domestic violence, dating violence, stalking, or related misconduct or stalking and wishes to pursue criminal charges to discuss their full list of options with a law enforcement official and/or an attorney.

Violence Against Women Act Definitions of Sexual Assault

Sexual assault.

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

Rape.

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling.

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest.

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape.

Sexual intercourse with a person who is under the statutory age of consent.

State of New Mexico Definitions of Sexual Assault

6.8 State of New Mexico Definitions of Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Consent

The definitions in this section are applied by the State of New Mexico, which law enforcement uses to pursue charges against an offender in the criminal justice system. UNM encourages anyone who experiences sexual assault, domestic violence, dating violence, stalking, or related misconduct or stalking and wishes to pursue criminal charges to discuss their full list of options with a law enforcement official and/or an attorney.

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

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

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

- Criminal sexual penetration is a felony crime; the degree of the felony (first degree through fourth degree) depends on the age of the victim and the force or coercion used by the perpetrator.
- “Force or coercion” is defined in NMSA 1978, § 30-9-10(A) and means:
- the use of physical force or physical violence;
- the use of threats to use physical force or violence against the victim or another;
- the use of threats, including threats of physical punishment, kidnapping, extortion, or retaliation directed against the victim or another; or
- committing a criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep, or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act.

“Criminal sexual contact” is the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one’s intimate parts. “Intimate parts” means the primary genital area, groin, buttocks, anus, or breast.

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

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

University of New Mexico Definition of Domestic Violence

Domestic violence.

A felony or misdemeanor crime of violence committed—

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

violence occurred.

State of New Mexico Definition of Domestic Violence

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

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

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

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

6.8.3 Dating Violence

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

“Domestic violence” consists of assault or battery of:

- a spouse or former spouse, or
- parent, step-parent, in-law, grandparent, grandparent-in-law, co-parent of a child, or a person with whom a person has had a continuing personal relationship.
- “continuing personal relationship” means a dating or intimate relationship.
- Cohabitation is not necessary to be deemed a household member for purposes of the Crimes Against Household Members Act.

“Assault against a household member” means:

- An attempt to commit a battery against a household member; or
- Any unlawful act, threat or menacing conduct that causes a household member to reasonably believe they are in danger of receiving an immediate battery.

“Aggravated assault against a household member” means:

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

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

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

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

University of New Mexico Definition of Dating Violence

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

- A. Dating violence includes, but 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.

State of New Mexico Definition of Dating Violence

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

University of New Mexico Definition of Stalking

Stalking.

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

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

person's property.

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

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

State of New Mexico Definition of Stalking

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

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.

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

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

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

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

University of New Mexico Definition of Consent

Consent is an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication about one's intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear their willingness to continue at each progression of the sexual interaction. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on UNM to determine if its policy has been violated. For information about incapacitation as it relates to the meaning of consent, visit UAP 2740.

State of New Mexico Definition of Consent

6.8.5 Consent: HB 151

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

HOW UNM PROTECTS YOUR CONFIDENTIALITY

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

Investigative and Disciplinary Procedures

The UNM Office of Compliance, Ethics, and Equal Opportunity (CEEO) has the responsibility of investigating all matters of sexual misconduct, (sexual harassment, domestic violence, dating violence, and stalking) for faculty, staff and students. CEEO’s new Discrimination Grievance Procedure (effective August 14, 2020) documents how the investigative process works. Additionally, this process describes the addition of a hearing process for determining whether a UNM policy violation occurred, as well as the sanctioning process if a policy violation is determined. The Hearing Officer will coordinate with Human Resources (for staff), the Office of the Provost (for faculty), and the Dean of Students Office (for students and visitors) to provide sanctions that are appropriate and consistent with the findings. Sanctions can include the following:

- Faculty: warning, censure, suspension without pay, dismissal (NOTE: as of publication date, the Faculty Disciplinary Process for sexual misconduct has not been finalized and will use the CEEO Discrimination Claims Procedure in place prior to August 14, 2020 and is documented in further detail on subsequent pages of this report.
- Staff: letter for improvement, written warning, probation, suspension, termination
- Students: verbal warning, written warning, probation, suspension, expulsion, dismissal, ban from campus
- Visitor: probation, ban from certain areas of campus, ban from campus

CEEO and the Hearing Officer will assure the following:

- Their actions will be prompt, fair, and neutral throughout the investigation and hearing process.

- A prompt, fair, and impartial process from the initial investigation to the final result, to include those involved with the responsibility to determine appropriate discipline/sanctioning.
- Will offer resources for supportive measures throughout the process (as described in the Resource Guide noted earlier in this report).
- Will notify both parties simultaneously in writing of the results of any determination, which includes appeal rights, changes to the results, and once the results become final.

Investigative and disciplinary procedures will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

CEEO Grievance Procedure

I. OVERVIEW AND INTRODUCTION

The University of New Mexico (“UNM”) is committed to creating and maintaining a community that is free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, and retaliation for participation in civil rights protected activity. UNM has policies that prohibit all forms of discrimination and retaliation, and specifically prohibiting all forms of sexual harassment, a form of gender discrimination that is prohibited by state and federal law. The prohibition includes sexual violence, which is considered a severe form of sexual harassment. UNM is committed to providing equal access to educational and employment opportunities for all individuals. UNM considers the following as protected statuses:¹

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

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

The Office of Equal Opportunity (CEEO) is the independent, impartial, and neutral campus entity designated to ensure compliance with all UNM policies that apply to civil rights, including investigations of any allegations of civil rights violations. When investigating an allegation of civil rights violations, CEEO acts as the finder of fact and will prepare a report at the conclusion of its investigation, as described herein. CEEO has no decision making or sanctioning authority. Once CEEO finalizes a report after an investigation into civil rights violations, CEEO refers the matter to the appropriate UNM office, which will ultimately determine whether a University policy has been violated. CEEO reports directly to the UNM President’s Office to maintain optimal independence and impartiality.

CEEO staff treats all parties with respect and approaches each case impartially and equitably. In fulfilling its dual tasks of educating and providing public service, UNM shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. CEEO, acting under the authority of University Policies 2720, 2740, 2750, 2310, 2215, 3110, 3210, 3790, and Board of Regents Policy 2.3, may take necessary action to prevent, correct, and educate in relation to behavior that violates UNM policies or impacts the academic or work environment. Leadership in CEEO includes the Director of CEEO (who is also the ADA Coordinator), the Associate Director, and the Title IX Coordinator.

CEEO's grievance procedures do not restrict rights guaranteed under the First and Fourth Amendments to the U.S. Constitution nor the Due Process Clause of Fifth and Fourteenth Amendments to the U.S. Constitution. CEEO shall comply with the Family Educational Rights and Privacy Act ("FERPA").

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

The full CEEO Grievance Procedure is attached as Appendix A.

Administrative Hearing Procedures: Allegations of Violations of University Administrative Policies

This document (Appendix B) provides a standard operating procedure for the Grievance Hearing Process referenced in Section VI(C)(3)(i) of the CEEO Grievance Procedure ("CGP") issued by the Office of Compliance, Ethics, & Equal Opportunity ("CEEO") and performed by the UNM Hearing Office for alleged violations of the University's Administrative Policies ("UAP") 2310, 2720, 2740, 2745, 2760, and/or 3110. This procedure may be incorporated in another procedure by reference. The Administrative Hearing Procedures ("AHP") set forth addresses alleged violations of UAP on or after August 1, 2024. All sex based discrimination matters concerning alleged violations of UAP before August 1, 2024, will follow the AHP revised April 2023.

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.

4. In the case of allegations against a faculty member that appear to be within the scope of another specific University policy involving discrimination, sexual harassment, sexual assault, dating violence, domestic violence or stalking, the same investigative procedure will apply as described in the CEEO's Discrimination Grievance Procedure. If the chair of the faculty member is required to make a disciplinary determination after an investigation and finding from another University body (CEEO/Hearing Officer), this faculty disciplinary process will be followed in determining the appropriate discipline.

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.

UNM Weapons Policy

With very few exceptions, employees, students and visitors are not permitted to use or possess

weapons on any part of the campus. A weapon includes, but is not limited to: firearms; ammunition and other dangerous weapons, substances, or materials; and bombs, explosives, or incendiary devices.

Any person failing to comply will become subject to appropriate disciplinary and/or criminal action. The UNM Weapons Policy is printed in its entirety in The UNM Pathfinder, which is available 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
<ul style="list-style-type: none">• 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 and 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:

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

- 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;
- A description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs
- 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.

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

NOTE: Until recently, the U.S. Department of Education interpreted this to require the policy be sent via printed documents through campus mail. The use of electronic distribution is now considered appropriate given:

- The email is distributed to all students, staff, and faculty, and,
- The policy appears in the text of the email and not as an attachment

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

D. 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 Policy

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of UNM's commitment 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 wellbeing of other employees, students and members of the general public; and conflicts with the responsibility of UNM to foster a healthy atmosphere for the pursuit of education, research and service. Federal and State laws relating to controlled substances and alcohol are enforced by UNMPD. The university enforces the state of New Mexico underage drinking laws and therefore does not permit the possession or consumption of alcoholic beverages by people under the age of twenty-one. Illegal uses of alcohol include, but are not limited to: serving, buying or drinking alcohol by a minor; assisting a minor or an intoxicated person to get alcohol; selling alcohol without a license and driving while under the influence.

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

I. Policy Statement

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

As a condition of continued registration and enrollment, any student of UNM shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion. Sanctions shall be set based upon numerous factors, including but not limited to the severity of the offense, the amount of harm created, the Student's prior disciplinary record, and sanctions

imposed in recent years for similar offenses. In determining sanctions, the Student Conduct Officer should assess each case individually and use professional judgment when weighing facts as well as aggravating or mitigating factors that may exist to determine the most appropriate sanctioning for the development of the Student and the common good and safety of the University community.

Sanctions for Code of Conduct violations shall not be implemented until the conclusion of the President-level appeal. Sanctions for violations of University Administrative 2720 or University Administrative Policy 2740 shall not be implemented until the exhaustion of the appellate process, including the Regents-level discretionary appeal.

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.

The information in Tables 1 & 2 illustrates some of the federal and state sanctions for the unlawful possession or distribution of a controlled substance under the Federal (Title 21 United States Code) and State of New Mexico (NMSA 1978, § 30-31-1 through 41) Controlled Substances Act. This information is subject to change.

FEDERAL DRUG TRAFFICKING PENALTIES (Table 1)

DRUG/ SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 – 4999 gms mixture		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 \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28 - 279 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 \$5 million if an individual, \$25 million if not an individual.	280 gms or more mixture	Second Offense: Not less than 20 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
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	2+ Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
LSD (Schedule I)	1 - 9 gms mixture	Second Offense: Not less than 10 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	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	
	10-99 gms pure or 100 – 999 gms mixture		100 gm or more pure, or 1 kg or more mixture	
PCP (Schedule II)				

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.
Flunitrazepam	1 gm or more	Second Offense: Not more than 30 yrs. If death or serious injury, life imprisonment. Fine \$2 million if an individual, \$10

(Schedule IV)		million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV 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.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual. First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.
All schedule V drugs	Any amount	Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

DRUG	QUANTITY	1ST OFFENSE	2ND OFFENSE
Marijuana (Schedule I)	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 \$10 million if an individual, \$50 million if not an individual.	Not less than 20 yrs, not more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if not an individual.
Marijuana (Schedule I)	100 kg - 999 kg marijuana mixture; or 100 – 999 marijuana 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 \$5 million if an individual, \$25 million if not an individual.	Not less than 10 yrs, not more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if not an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 – 99 kg marijuana mix. More than 1 kg of hashish oil; 50 – 99 plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs, not more than life. Fine \$1 million if an individual, \$5 million if not an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Marijuana	1 – 49 plants; less than 50 kg mixture	Not less than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if not an individual

NM DRUG LAWS (30-31-1 through 41 NMSA 1978) - (Table 2)

DRUG/SCHEDULE	OFFENSE	PENALTY
Schedule I or Schedule II Narcotic (NMSA 1978, § 30-31-6 and 7)	Trafficking (NMSA 1978, § 30-31-20)	1st offense – 2nd degree felony, up to 9 years incarceration, fine up to \$10,000 2nd offense – 1st degree felony, up to 18 years incarceration, fine up to \$15,000
Schedule I, II (other than narcotics), III or IV controlled substance OR a controlled substance analog of a controlled substance enumerated in Schedule I or II that is a narcotic drug or methamphetamine, its salts, isomers and salts of isomers (NMSA 1978, § 30-31-22; NMSA 1978, § 30-31-6 through 10)	Distribution or possession with intent to distribute (NMSA 1978, § 30-31-22)	1 st offense – 3 rd degree felony (3 years incarceration, 6 years incarceration if felony results in death of a human), fine up to \$5,000 2 nd offense – 2 nd degree felony (9 years incarceration, 15 years incarceration if felony results in death of a human; NMSA 31-18-15), fine up to \$10,000
Schedule V or a controlled substance analog of a controlled substance enumerated in Schedule V	Distribution or possession with intent to distribute (NMSA 1978, § 30-31-22)	4 th degree felony (18 months incarceration; NMSA 31-18-15) fine up to \$5,000
Gamma hydroxybutyric acid or flunitrazepam	Distribution to another person without that person's knowledge and with intent to commit a crime against that person, including criminal sexual penetration (NMSA 1978, § 30-31-22).	1 st offense – 3 rd degree felony (3 years incarceration, 6 years incarceration if felony results in death of a human), fine up to \$5,000 2 nd offense – 2 nd degree felony (9 years incarceration, 15 years incarceration if felony results in death of a human; NMSA 31-18-15), fine up to \$10,000

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.

IV. 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

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 campaigns, educational and awareness programs. UNM prohibits all acts of violence on our campus, including Dating Violence, Domestic Violence, Sexual Violence and Stalking. Our campaign and programmatic efforts reflect that we are an affirmative consent campus, as defined in our institutional policy #2740. All incoming students receive the following mandatory training, which is the primary prevention and awareness program for students:

I. Grey Area Training

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

- Covers sexual misconduct prevention risk reduction with dating violence, domestic violence, sexual assault and stalking. It accomplishes this by aiding the student to be empowered about their safety on the UNM Campus.
- 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” and how it is defined, which is:
 - Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Relying solely on non-verbal communication can lead to miscommunications about one’s intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear his or her willingness to continue at each progression of the sexual interaction.
- Discusses positive/safe bystander information such as:
 - Using Humor
 - Group Intervention
 - Distraction
 - Using “I” Statements
- Defines Sexual Violence terms, such as sexual assault, stalking and relationship violence.

II. Intersections: Preventing Discrimination and Harassment

UNM is committed to educating members of its campus community through a number of ongoing educational and awareness programs. All employees must complete this mandatory training on an annual basis, which is the primary prevention and awareness programs for faculty and staff. The module raises awareness on the various topics of discrimination, harassment and

sexual violence. Intersections includes animated scenarios, skill practices, UNM policies and resources, sound and closed caption (CC) capability. The training is one hour in length for both faculty and staff, which includes:

- Covers sexual misconduct prevention and risk reduction with dating violence, domestic violence, sexual assault and stalking. It accomplishes this by aiding the employee to be empowered about their safety on the UNM Campus.
- States that sexual discrimination, which includes dating violence, domestic violence, sexual assault and stalking are prohibited acts
- Reporting Options – including areas that are anonymous and those individuals that are mandatory reporters
- Discusses the importance and meaning of “consent” Discusses bystander information such as:
 - Using Humor
 - Group Intervention
 - Distraction
 - Using I Statements
- Defines Sexual Violence terms, such as sexual assault, stalking and relationship violence

General Campus Crime Prevention and Security Awareness Programs

In addition to the Grey Area and Intersections trainings that specifically address incidents of sexual misconduct (including dating violence, domestic violence, sexual assault and stalking), UNM-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.

I. Protect the Pack

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

II. Campus Safety Week

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

- Sexual Assault Awareness Programs, that include prevention and bystander information
- Campus Safety Walk – where students evaluate the safety of UNM’s Campus at night
- Coffee with a Cop – an opportunity to have all UNM Community members have coffee with our UNMPD and ask questions of UNMPD.

UNMPD informs our community during these events about our:

- Primary Crime Prevention programs on Campus
- Answers safety related questions that are applicable to our campus community

- Safe Zone Training – where UNM Community members can understand how to be an ally, what terminology is appropriate, understanding different types of hate, negativity and phobias.

III. Campus Office of Substance Abuse Prevention

Program (Risk Reduction)	Target Audience	Frequency
E-Chug	Students at Risk with Alcohol Use	Annually
Diary of a Lady Lobo (Healthier Alternative to Drinking While Partying)	UNM Women Students	Annually
Campaign (Prevention and Awareness)	Target Audience	Frequency
Social Norms (Educating students about social drinking and partying)	All UNM Students	Annually

IV. LoboRESPECT Advocacy Center

Campaign (Prevention and Awareness)	Target Audience	Frequency
Not on My Campus (Promoting Sexual Assault Response and Education)	UNM Community	Annually
Consent. Get It. (Promoting importance of getting Consent)	UNM Community	Annually
Protect the Pack (Promoting Safe Bystander Intervention)	UNM Community	Annually

V. Office of Compliance, Ethics, and Equal Opportunity

Campaign (Prevention and Awareness)	Target Audience	Frequency
Know Your Title IX (Tabling)	UNM Community (Faculty, Staff and Students, including prospective students)	During New Student Orientation each Summer

VI. Student Health Center

Campaign (Prevention and Awareness)	Target Audience	Frequency
Workshops and Presentations	UNM Students, Faculty and Staff	Workshops Throughout the Fall/Spring

Workshops and presentations on a variety of topics are held for students during the Fall/Spring semesters. Additional workshops can be done as requested. Topics can include but are not limited to, Healthy Relationships, Stress Management, etc.		semesters and as requested Presentations- New Student Orientations, New Faculty Orientations, etc. and as requested.
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VII. Active Bystander Intervention

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

Steps to becoming an Active Bystander:

1. Notice a situation that is out of the ordinary. Does your "gut" tell you something is wrong?
2. Ask yourself if I could play a role here?
 - a. If nobody intervenes, what will likely happen?
 - b. Is someone else better equipped to respond?
 - c. What would be my purpose of responding?
3. Assess your options for providing help. Use your words; do not use violence to end violence.
4. Determine the potential risk(s) of acting
 - 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

The aforementioned educational programs, trainings, and strategies are designed to reduce the risk associated with dating violence, domestic violence, sexual assault, and stalking for students, staff, and faculty.

VIII. Definitions

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

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

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

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

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

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

Crime Prevention Services and Risk Reduction Tips Keeping You Safe at UNM

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

Campus Escort Service: UNM-G PD offers escort services to anyone needing an escort from an on-campus location to another on campus location 24 hours, 7 days a week. We do not give off campus escorts. For escort service, call (505) 863-7620.

Campus Police Website: The Campus Police Website has a myriad of safety tips and features for our UNM community, including a link to Campus Safety 101 <https://gallup.unm.edu/campuspolice/>

Crime Prevention Materials: Free brochures and other documents regarding crime prevention are available at UNM-G PD.

Lost and Found: UNM-G PD operates the main lost and found service for the University.

Note: Preventing Harassment and Discrimination include the ongoing programs for students listed above.

Reducing Your Risk at UNM

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

The following is a list of suggestions that will help to reduce your risk on the UNM-Gallup Campus:

- We want all individuals to feel empowered to say something if you see something on campus that makes you feel uneasy or feeling unsafe, by making sure you let someone know about it (such as the UNM-G Campus Police or Director of Student Affairs Office), so UNM can take action to address these unsafe conditions
- Walk with others at night or use the Campus Escort Service
- Should you bring a bike to campus, lock your bike with a U-Lock and take any easily removable items from your bike with you
- Do not leave your valuables unattended
- Should you bring a vehicle to campus, use some sort of theft deterrent device and do not leave items in plain sight of others who may be walking by your car
- Should you wear headphones or earbuds, please keep the volume low enough so that you can be aware of your surroundings
- Do not give your personal information to untrusted sources, either in person or online
- Always report suspicious activity to the UNM-Gallup Campus Police by calling 505-863-7620

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 UNM-G PD, Campus Security Authorities (CSAs) and Surveys sent to local law enforcement agencies. The data encompasses the following information within UNM’s Clery Geography, as defined by the Clery Handbook unless otherwise noted.

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

Fondling - is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental

incapacity.

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

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

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

Aggravated Assault – is an unlawful attack by one person upon another for inflicting 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.

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

Dating Violence:

Is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- Dating violence does not include acts covered under the definition of domestic violence.

Stalking:

Is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

For the purpose of this definition –

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

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

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

III. Unfounded Crimes

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

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

Domestic Violence - Under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery and aggravated battery. A "household member" is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent 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 – Under New Mexico Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

Sexual Violence - Sexual violence refers to physical sexual acts perpetrated with force or coercion against a person's will; or where a person has not given consent as defined in this policy or is unable to consent due to the use of alcohol or drugs, disability, or age. It may include sexual assault,

forcible fondling, or any other conduct of a sexual nature that is nonconsensual. Sexual violence is a crime.

- Rape/sexual assault: non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
- Non-consensual oral sex: non-consensual contact between one person's mouth and the genitals or anus of another person.
- Sexual contact/battery: non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.
- Sexual coercion: the act of using pressure, alcohol or drugs, or force to have sexual contact with someone against the individual's will and includes persistent attempts to have sexual contact with someone who has already refused.

Stalking – 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.

V. UNM Campus Geography includes the following areas as defined below:

On Campus Property - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). This would include most buildings on UNM-Gallup's Main and North campuses.

Non-Campus Property – Any building or property not part of the Gallup campus nor a separate campus and is: owned or controlled by the institution; used in support of or in relation to the institution's educational purposes; and frequently used by students.

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus. Public property for UNM-Gallup is the surrounding streets like College and Boardman Drives, and the sidewalks right on the other side of these streets.

UNM Gallup Campus – Clery Crime Statistics (2023, 2022 and 2021)					
Crime Classification		On Campus Property	Non Campus	Public	Total
Murder/Non-Neglect Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	1	0	0
	2022	0	0	0	1
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0

	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Liquor Arrest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Arrest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Illegal Weapons Arrest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
VAWA Clery Crimes					
Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2023	1	0	0	1
	2022	0	0	0	0
	2021	0	1	0	1
Stalking	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	1	0	1
Referrals for Disciplinary Action					
Liquor Law Referrals	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Referrals	2023	0	0	0	0

	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law Referrals	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Unfounded Crimes:

There were no unfounded crimes during the reporting period.

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OFFICE OF
COMPLIANCE, ETHICS
& EQUAL OPPORTUNITY

CEEO GRIEVANCE PROCEDURE

AUGUST 1, 2024

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CEEO GRIEVANCE PROCEDURE

I. OVERVIEW AND INTRODUCTION

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

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

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

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

The Office of Compliance, Ethics & Equal Opportunity (CEEO) is the independent, impartial, and neutral campus entity designated to ensure compliance with all UNM policies that apply to civil rights, including investigations of alleged civil rights violations and VAWA offenses. CEEO acts as the finder of fact when investigating alleged policy violations and prepares a report after its investigation, as described herein. CEEO has no decision-making or sanctioning authority concerning alleged policy violations except for failure to report claims. Once CEEO finalizes an investigative report, CEEO refers the matter to the appropriate UNM office, which ultimately determines whether a University policy has been violated. CEEO reports directly to the UNM President’s Office to maintain optimal independence and impartiality.

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

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

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

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

II. NOTIFICATION AND CORRESPONDENCE WITH CEEO

CEEO generally sends official notifications and other documentation via email to official UNM email addresses; if an individual does not have a UNM email address, it is sent to an email address provided by the individual. Individuals may request that CEEO use an alternative email address or a different contact method. Still, unless and until this request is made, CEEO will send all correspondence using official University email. Requests that CEEO send communications to an email address other than a UNM email address must be made in writing via email to ceeo@unm.edu.

If an individual prefers to receive correspondence by mail, that preference and the individual's preferred mailing address must be specified in writing and delivered either by email to ceeo@unm.edu, by mail to CEEO's mailing address at 1 University of New Mexico, MSC05 3150, Albuquerque, NM 87131-0001, or by hand delivery to CEEO during CEEO's regular business hours at 609 Buena Vista Dr. NE, Albuquerque, NM 87106.

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

III. RETALIATION

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

IV. TIME FRAME

Individuals who believe their civil rights have been violated at UNM or in a UNM program should file a complaint within **180 calendar days** from the most recent alleged discriminatory incident. This time frame may be extended due to the severity and/or pervasiveness of the allegations (such as sexual violence), allegations of a continuing pattern of conduct, or as determined by CEEO.

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

V. REPORTING CONCERNS; TYPES OF COMPLAINTS

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

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

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

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

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

A. Receiving a Report

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

The report should include:

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

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

Upon receipt of a report, the following will occur:

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

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

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

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

1. Failure to Report (FTR)

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

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

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

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

CEEEO will review all relevant documents and interview witnesses, if available and necessary, to determine whether Respondent failed to report about their duties, position, and responsibility under UNM policy. This information will be gathered into an Investigative Report and provided to Respondent for review. Respondent will have **five (5) business days** from the date of the Investigative Report to provide additional, relevant information. CEEEO will then prepare a memorandum stating whether the information gathered demonstrates a violation of policy (POLICY VIOLATION or NO POLICY VIOLATION) and will provide the memorandum to Respondent. **There is no live hearing associated with an FTR investigation;** the CEEEO investigator makes the determination of a policy violation. Respondent will have the same opportunity to appeal per the process outlined in [Section XI](#) herein. After the appeal window closes, CEEEO will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

C. Anonymous Reports

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

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

D. Process Initiated by CEEEO

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

E. False Reports

If CEEEO receives clear and credible information demonstrating that a Complainant or other filing party has submitted a false report, CEEEO will investigate as outlined herein against the party alleged to have filed a false report. A person determined to have filed a false report will be referred to the appropriate UNM office under UNM policies for review and discipline as appropriate.

VI. JURISDICTION

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

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

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

To make a jurisdictional determination, CEEO may also consider:

1. Previous and contemporaneous reports or violations against Respondent;
2. Pattern of behavior;
3. Severity of the allegations;
4. Use of weapons, drugs, or coercion;
5. Physical threats or violence;
6. The power dynamic between the parties involved;
7. Where the incident(s) took place;
8. The impact on the parties; and
9. Whether multiple parties were impacted.

VII. PROCESS OPTIONS

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

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

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

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

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

F. Process Options

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

2. Withdrawal of Election Option

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

Even if a Complainant withdraws their election, CEEO reserves the right to continue its inquiry into the concerns to ensure compliance with UNM policy and related state and federal regulations. Within **five (5) business days** of either receiving Complainant's notice of withdrawal or CEEO's final attempt at communication with Complainant, CEEO will notify Complainant if further action is taken regarding their report. If CEEO reopens a matter after the **five (5) business days** have passed, CEEO will inform the Complainant. CEEO may act as deemed appropriate to ensure a working and learning environment free from harassment and discrimination.

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

3. Alternative Resolution

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

is not conducted, and the allegations in the complaint are, therefore neither corroborated nor contested. An alternative resolution is **NOT** disciplinary.

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

An alternative resolution does not follow a pre-determined process. Instead, CEEO consults with the parties and then proceeds with a solution that prevents the recurrence of the alleged misconduct. Examples of alternative resolutions include, but are not limited to:

- Meet with Respondent to discuss the allegations and UNM policies;
- Meet with Respondent and Respondent's supervisor separately if the allegations regard a work environment;
- Meet with Respondent and supervisor or other authority figure together;
- Provide training or engage in other collaborative processes as CEEO deems appropriate;
- Initiate an accommodation process in cases where a failure to accommodate has been alleged;
- Facilitate dialogue about the issues to improve the environment or remedy the effects of the alleged conduct;
- or
- Refer the parties to a supervisor or other appropriate party for remedial action and monitoring of the work and/or academic environment. The supervisor will notify CEEO of the actions taken to address the work and/or academic environment.

After an alternative resolution, CEEO sends follow-up correspondence to Respondent and/or to Respondent's supervisor or another authority figure (if applicable), documenting what action was taken by CEEO. CEEO notifies Complainant of the action taken and, when appropriate, may impose a monitoring period to ensure the conduct has stopped. After the monitoring period, CEEO will close the case. CEEO may modify monitoring periods on a case-by-case basis.

Alternative resolutions may not be appropriate for all forms of conduct prohibited by UNM policies. In those instances, CEEO may proceed with an investigation, which can lead to an evidentiary hearing before a Hearing Officer, as described herein.

4. Investigation

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

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

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

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

a. *Complainant Meeting*

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

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

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

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

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

b. *Respondent Meeting*

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

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

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

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

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

c. Evidence Gathering

As part of its investigation, CEEO gathers information it deems relevant to the allegations. The parties may submit documentation they believe should be considered, as well as identify witnesses they believe should be interviewed. Witnesses are given the opportunity to review a transcript and summary of their statement, referred to as the Confirmation of Witness Statement (COWS), before the statement is included in the Investigative Report. The parties should submit any evidentiary items that are listed in the Definitions section herein, including electronic evidence such as social media posts, audio, text, and phone records. The parties should notify CEEO as soon as possible of any electronic evidence, such as recordings and social media, for CEEO to request and preserve the evidence.

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

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

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

d. Post-Investigation Steps

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

i. Dismissal Memorandum

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

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

CEEO will consider a dismissal as follows:

- Where a Complainant notifies CEEO or the Title IX Coordinator in writing that they want to withdraw the complaint or any allegations therein;
- Where the Respondent is no longer enrolled in or employed by UNM; or
- Where specific circumstances prevent CEEO from gathering evidence sufficient for a decision-maker to reach a determination (e.g., alleged misconduct is not targeted at a specific individual; there is no nexus between alleged misconduct and a protected status).

Parties may appeal a CEEO dismissal for one or more of the following reasons:

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

A dismissal appeal should follow the procedure outlined in this CGP. Even when it issues a dismissal, CEEO may determine that the academic and/or work environment requires some informal action, such as training or education for the parties or a department. In cases where post-investigative or post-dismissal action is deemed appropriate, parties who need to know will be notified. This informal action may include:

- Referring the issue to a department to address climate issues (CEEO will require the department to provide CEEO with information outlining the remedial action that was taken);
- An educational or other training opportunity conducted by CEEO or other entity; or
- Referral to another department on campus with authority to address the issues including the UNM Police Department, Dean of Students, Academic Affairs, or Human Resources.

ii. Investigative Report

If it does not dismiss all allegations raised, CEEO will create an Investigative Report. The Investigative Report will offer no opinion as to whether a policy violation occurred.

The Investigative Report will include:

- a citation to the policies alleged to have been violated;
- Complainant's statement;
- Respondent's statement;
- Witness statements; all relevant and irrelevant evidence gathered in the investigation;
- The investigative steps taken;
- Credibility factors to be considered by the Hearing Officer or other appropriate decision-maker; and
- A statement outlining the reason for any delay in an investigation.

The Investigative Report shall:

- Objectively state all relevant evidence, including both inculpatory and exculpatory evidence; and

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

At the request of a party or witness, or at its discretion, CEEO will exclude and redact from the report content falling into one of the following categories:

- **Prior Sexual History.** Generally, an individual may exclude evidence of their own prior sexual history with anyone other than a party;
- **Mental Health Treatment and/or Diagnosis.** Generally, an individual may exclude evidence of their own mental health diagnosis and/or treatment;
- **Sensitive Personal Identifying Information and Medical Records.** Sensitive personal identifying information, such as Social Security numbers and irrelevant information contained in medical records, will be excluded; or
- **Irrelevant Information.** Information that is not relevant to the investigation or the policy violations alleged will not be included in witness statements or in the Investigative Report.

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

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

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

e. *Grievance Hearing Process*

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

VIII. OTHER MATTERS RELEVANT TO THE GRIEVANCE PROCESS

A. General Statement of Investigation Timelines

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

documents the reasons for the extension. Similarly, when circumstances dictate that any of the timelines specifically identified herein be extended, CEEO notifies the parties and documents the reasons for the extension.

If a party requires an extension of any time limits applying to them as stated herein, they should submit a request to the investigator as soon as they learn of the need for an extension and state the reason for the request. If good cause for an extension is provided, CEEO may grant the request. If a request is granted, CEEO will notify the parties of the length of the extension.

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

B. Responsibilities of the Parties

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

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

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

C. Modification of the Investigation Process

CEEEO may elect to deviate from standard process when facts or situations require it. Any deviation from the standard process will be described in detail in the Investigative Report, which will include the reasoning for this deviation. Examples include, but are not limited to:

1. Unaffiliated Respondents. If the Respondent is unaffiliated with UNM or becomes unaffiliated with UNM, CEEEO may continue the investigation and issue an Investigative Report.
2. Hiring Challenges. CEEEO may accept a hiring challenge based on protected status, where the complaint demonstrates a potentially disparate impact on Complainant. In these situations, CEEEO may name a department, division, unit, or office as Respondent and review the hiring process, procedure, candidate pool, or hiring outcome. CEEEO may not name a specific Respondent in these situations and will issue only a Final Report.
3. Failure to Report. See [CGP Section V.B.1](#).

D. Advisors, Support Persons, and Union Representation

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

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

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

If a party is a member of a union as part of their University employment, the party has a right to request that a union representative be present at any meeting with CEEO. If the party feels it is necessary to have a union representative during the interview, the party may ask to stop the interview at any time. The party will be given **three (3) business days** to obtain a union representative and reschedule the interview.

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

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

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

IX. SANCTIONS AND REMEDIES

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

Investigative Reports and Final Determinations may also be shared with others who have a legitimate business reason to be advised of the determination, including but not limited to: the National Institutes of Health (NIH), National Science Foundation (NSF), UNMPD, Student Conduct, Residence Life, the Clery Coordinator, Greek Life, and Athletics. CEEO will determine what information and what officials must be advised of the Hearing Officer's findings in order to remedy the effects of discriminatory and related misconduct and to prevent its recurrence.

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

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

If the Respondent is determined to have violated [University Policy 2740](#), the Title IX Coordinator may provide the Complainant with remedies that are separate from the Respondent's sanction. Remedies are designed to maintain the Complainant's equal access to the academic and/or work environment. Remedies may include extending supportive measures as defined in this CGP. Remedies are not required to be non-disciplinary or non-punitive for the Respondent and need not avoid burdening the Respondent. Remedies are confidential and are not shared with the Respondent except to ensure the remedy is carried out.

X. DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS; HIRING CHALLENGES

E. Consolidated Complaints; Cross-Claims

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

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

F. Departmental Investigation

Unlike the consolidated complaint process outlined above, a departmental investigation is held when there are multiple complaints against one Respondent, but the complaints **do not** arise from the same set of facts or circumstances. In this type of case, the occurrence of multiple complaints may be sufficient to indicate a pattern of acts that, in the aggregate, could violate UNM policy. Under such circumstances, CEEO may determine that a departmental investigation is warranted even though the individual complaints giving rise to the departmental investigation are not accepted as jurisdictional or may not rise to the level of discrimination on an individual basis.

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

G. Hearings with Multiple Complaints against One Respondent

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

H. Hiring Challenges

If an applicant for a University employment position or a current University employee alleges, they were not interviewed, hired, or promoted as a result of discrimination due to a protected status, CEEEO will accept the complaint as a hiring challenge. If the applicant or employee identifies a specific Respondent(s), CEEEO will follow the grievance procedure process set forth in this CGP.

If the applicant or employee does not name a specific Respondent(s), CEEEO will review documentation from the specific Human Resource or Faculty Contract area and ask that Human Resources, Faculty Contracts, and/or the hiring official provide a response regarding the hiring challenge. Relevant documentation may include, but is not limited to: position posting, recruitment efforts, ranking documents, resumes, applicant pool information, interview notes, interview committee composition, and hiring justification.

If the response and applicable documents do not appear to constitute a violation of UNM policy, CEEEO will dismiss the challenge and notify the parties. Parties may appeal the dismissal as outlined herein.

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

XI. APPEALS

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

A. Appeals to the President

Either party may appeal a dismissal, final determination, and/or sanction to the President of the University of New Mexico within **seven (7) business days** of the date of issuance of a dismissal, final determination, and/or applicable sanction. Exceptions to this time limit will be considered on a case-by-case basis with sufficient justification provided by the individual seeking the exception. Appeals that are not received by the stated deadline will be denied unless an exception to the appeal time limit is granted by the President.

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

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

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

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

1. Appeals Regarding a Hearing Office Final Determination

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

2. Appeals Regarding a CEEO Dismissal

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

Best efforts shall be made by the President to issue a decision within **twenty (20) business days** after the appeal is received. If the appeal is considered, the President may decide to uphold the decision in its entirety or may remand all or part of the appealed CEEO dismissal or Hearing Office determination to the Hearing Officer or CEEO for additional proceedings or investigation. Written notice of the President's decision will be provided to the appealing party, the non-appealing party, the Hearing Officer, and CEEO.

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

B. Appeals to the Board of Regents

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

XII. PRIVACY

UNM strives to respect individuals' privacy to the extent permitted by state and federal laws. However, UNM has an obligation to investigate and resolve civil rights claims. To meet this obligation, UNM may be required to share information with persons who have a legitimate need to know that information. For example, those who are responsible for determining policy violations, or those who sanction individuals found to have violated UNM policy, have a legitimate need to know the investigative findings made by CEEO. Those who manage the appeals process of CEEO factual findings have a legitimate need to know the details of CEEO's investigation and/or need to review the evidence underlying a finding.

While UNM strives to respect the privacy of all parties involved in the process, UNM **cannot under any circumstances** guarantee privacy unless required to do so by law. Examples of situations in which privacy cannot be maintained include, but are not limited to:

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

CEEEO cannot grant anonymity to a person pursuing either a investigation, as these cases may result in a live hearing before a Hearing Officer to determine if policy has been violated. For more information about the rights of individuals participating in processes related to alleged sex discrimination, please refer to [University Policy 2740](#).

CEEEO cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in that capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of medical treatment to the party, unless the party provides voluntary, written consent to do so as part of this grievance process.

APPENDIX 1: DEFINITIONS

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

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

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

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

ADMINISTRATIVE HEARING PROCEDURES: ALLEGATIONS OF VIOLATIONS OF UNIVERSITY ADMINISTRATIVE POLICIES¹

ARTICLE 1. INTRODUCTION AND GENERAL PROVISIONS

1.1 Introduction. This document provides a standard operating procedure for the Grievance Hearing Process referenced in Section VI(C)(3)(i) of the CEEO Grievance Procedure (“CGP”) issued by the Office of Compliance, Ethics, & Equal Opportunity (“CEEEO”) and performed by the UNM Hearing Office for alleged violations of the University’s Administrative Policies (“UAP”) 2310, 2720, 2740, 2745, 2760, and/or 3110. This procedure may be incorporated in another procedure by reference. The Administrative Hearing Procedures (“AHP”) set forth addresses alleged violations of UAP on or after August 1, 2024. All sex based discrimination matters concerning alleged violations of UAP before August 1, 2024, will follow the [AHP revised April 2023](#).

1.2 General Provisions

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

1.2.2 Calculation of Time, Extension of Time Limits and Good Cause. Unless otherwise specified herein, the term “days” refers to regularly recognized University business days, and does not include weekends, holidays, or other University closures. The Hearing Officer shall extend any time limit set forth in these rules for good cause upon request from the Parties. Good cause may include the following: that a time limit includes finals week, periods such as vacations, holidays, or intersessions, the absence of one or both Parties, or the absence of Hearing Office staff from the institution. Any time extension shall be communicated in writing to all Parties along with a new written schedule.

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

¹ These procedures do not apply to alleged violations of UAP 3215.

by order of the Board of Regents or the President. If so prescribed or ordered, the Hearing Coordinator will work with the appropriate University Department to obtain and provide the required training to the Hearing Officer prior to the hearing.

1.2.4 Sanctioner Training. In matters alleging sex-based discrimination, including sexual misconduct in violation of UAP 2740 or 2760, Sanctioners, including, but not limited to supervisors, chairs, directors, and department equivalents, shall be required to complete training specific to their affiliation or department prior to the sanctioning phase. Such training will be prescribed by CEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President.

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

1.3 Definitions.

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

Administrative Hearing Determination: Written decision, including an analysis of the evidence, of the Hearing Officer's determination of whether a policy was violated following a hearing.

Administrative Hearing Notice: The document provided to all Parties and their Advisors indicating the date and time of the hearing together with information as required by Article 3.4 herein.

Advisor: A person selected by the Complainant or Respondent to guide the Party through the Hearing Process and question the Party and Party's witnesses through Direct-Examination at the hearing. An Advisor may assist a Party as permitted by Articles 2.1, 2.2 and 2.3 below. There are three types of Advisors:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact Statement: A written statement by either Party, provided to the Hearing Officer within five (5) business days of a live hearing's conclusion. The statement is not reviewed by the Hearing Officer. In the event of an adjudication of responsibility, the statement is sent by the Hearing Office to the Sanctioner for their consideration in determining the sanction. In their statements, the Complainant and Respondent may address their experience and the incident in question, as well as respond to how the investigation and hearing was conducted and any areas of agreement or/disagreement with the investigation or hearing. The Impact Statement may not seek to introduce new evidence.

New Evidence: New, previously undiscoverable or undisclosed evidence not reasonably available to CEEO, or not in existence at the time of the CEEO investigation, presented to the Hearing Officer for consideration in advance of the Pre-Hearing Conference. With respect to an appeal of an Administrative Hearing Determination, the definition of new evidence in the CEEO Grievance Procedure is applicable.

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

Party/Parties: The Complainant and Respondent are each referred to as a Party to the hearing. Collectively, the Complainant and Respondent are referred to as the Parties.

Pre-Hearing Conference: The meeting set by the Hearing Officer to confer with the Parties and their respective Advisors, prior to the hearing, regarding the format of the live hearing,

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

Preponderance of the Evidence: The burden of proof standard that means when satisfied, that based on the evidence determined to be relevant and considered by the Hearing Officer, it is more likely than not that a policy violation occurred.

Remedies: As provided by federal law in cases of violations of UAP 2740 or 2760, remedies are designed to maintain the Complainant's equal access to the programs and services the University provides, including education, work opportunities, and other activities. This may include the same individualized services described as supportive measures in the CGP. Remedies are confidential and only are offered to Complainant when Respondent is found to have violated UNM policy based on a Preponderance of the Evidence considered at the hearing. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Respondent: The individual who is alleged to have engaged in discriminatory conduct in violation of UAP 2310, 2720, 2740, 2745, 2760, or 3110; or is alleged to have violated any other UNM policy based on the same facts and circumstances.

Sanctioner: The individual or entity with sanctioning authority who is responsible for deciding the appropriate sanction when there is a determination that University policy has been violated. Sanctioning authority is determined by the policy alleged to have been violated and/or the University entity that has sanctioning authority over the Respondent. Sanctioning authorities may include one or more of the following:

For Staff: The staff member's supervisor, chair, dean, director or department equivalent. In cases of sex discrimination or misconduct, consultation with the Title IX Coordinator or designee also is required.

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

For Faculty: University personnel identified pursuant to the UNM Faculty Handbook or applicable collective bargaining agreement. In cases of sex discrimination or misconduct, consultation with the Title IX Coordinator or designee is also required.

Support Persons: Individuals designated by a Party as a support person may attend the Pre-Hearing Conference and hearing to provide emotional or physical support to a Party. A support person cannot be a potential witness in the hearing or someone in a Party's supervisory chain if the Party is a University employee.

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

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

ARTICLE 2: ROLES AND RESPONSIBILITIES

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

An Advisor may appear and conduct Direct Examination even when the Party whom they are advising does not attend the hearing, so long as there has been some communication between the Advisor and their Party to select witnesses and prepare the Direct Examination. An Advisor may be excused from a hearing if the Party does not attend the hearing and the Party did not consult with the Advisor regarding witnesses or Direct Examination questions.

Advisors shall not answer any question directed at the Parties or their Witnesses.

An Advisor may also assist a Party throughout the entire grievance process and assist a Party in preparing for and participating in the pre-hearing process as agreed upon by the Advisor and the Party.

2.2 Advisors, Limitations. Hearings are not legal proceedings. Advisors shall not treat the pre-hearing or hearing process as a legal proceeding regardless of whether the Advisor is also a licensed attorney. Advisors may not negotiate a settlement or stipulation on behalf of a Party, confer with another Party’s Advisor, object during hearings, offer motions, engage in discovery such as contacting or deposing witnesses, request additional documentary evidence from the other Party, present opening or closing statements, provide witness testimony or otherwise engage in conduct that is beyond the Advisor’s role as set forth in the preceding Article.

2.2.1 UNM Advisors: Advisors who have been assigned to a Party by UNM shall not provide legal advice to Parties on any matter. UNM Advisors are not involved in the appeal process other than to assist the Party in locating the forms to submit an appeal.

2.2.2 Private Advisors/Attorney Advisors: Private Advisors and Advisors who are attorneys retained by a Party must follow the rules applicable to all Advisors. Parties seeking an Attorney Advisor must do so at their own expense. Nothing in this Article shall prohibit Attorney Advisors from providing other legal services to a Party.

2.3 Advisors, Removal/Recusal/Replacement. Advisors are required to conduct themselves in accordance with the rules of decorum included in this Procedure. The Hearing Officer reserves the right to deny an Advisor the opportunity to ask specific questions if such questions are deemed irrelevant or otherwise in violation of the limitations on evidence as provided in this Procedure. The Hearing Officer reserves sole discretion in determining whether to remove an Advisor from any part of any proceeding in which the Advisor violates the rules of decorum or refuses to cooperate with a Hearing Officer directive.

Non-UNM Advisors: Advisors may recuse themselves from participating at any time after notifying the Hearing Office. The Party advised by the recused Advisor may select another Advisor or request a UNM-assigned Advisor.

UNM Advisors: UNM assigned Advisors may make a good cause request to recuse themselves from working with a Party. The Party may select another Advisor or another UNM Advisor may be assigned.

A Party may change Advisors upon notice to the Hearing Coordinator.

2.4 Hearing Officer, Generally. The Hearing Officer's role is to conduct the hearing and ensure all participants adhere to the Rules of Decorum. The Hearing Officer may ask questions deemed relevant by the Hearing Officer. The Hearing Officer Cross-Examines a Party during a hearing. The Hearing Officer reviews the evidence and determines whether or not the Respondent violated a UNM policy and reduces that determination to writing for both Parties, and the Sanctioner when a policy violation has occurred.

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

Parties are responsible for communicating with the Hearing Coordinator to designate, or confirm designation, of their Advisor. Parties are responsible for responding to communications from the Hearing Coordinator regarding the Pre-Hearing Conference and the hearing. It is the responsibility of the Parties to notify the Hearing Coordinator of any change in the contact information for the Party (e.g., address, email address or phone number) or change in the Party's affiliation with the University. Failure to do so could result in a Party missing the opportunity for a hearing.

ARTICLE 3. PREHEARING MATTERS

3.1 Pre-Hearing Conference. After receipt of the information specified in Article 3.2, the

Hearing Officer will meet with the Parties and their Advisors, if available, to consider clarifying or narrowing the issues to be heard by the Hearing Officer, to provide an overview of the hearing process, to answer procedural questions, to consider limiting the number of witnesses, or to consider any other matters which may aid the conduct of the hearing. The Hearing Officer will also consider the submission of previously undiscovered or undisclosed evidence submitted by the Parties, as described in Article 3.2. The Hearing Officer shall have sole discretion to determine whether to hold a single Pre-Hearing Conference for all Parties and their Advisors or separate Pre-Hearing Conferences for each Party and their Advisor. The Hearing Office facilitates separate Pre-Hearing Conferences upon request, which may be sent via email prior to the scheduled Pre-Hearing Conference.

3.1.1 Accommodations for Disabilities. This Procedure does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Hearing Coordinator at any point before or during the hearing process. The Hearing Coordinator shall work with University personnel including the Accessibility Resource Center (ARC), pursuant to University Administrative Policy 2310, or the ADA Coordinator, pursuant to University Administrative Policy 3110, or their designee to provide accommodation, as appropriate. Neither the ADA Coordinator nor ARC shall be required to provide the Hearing Coordinator, Hearing Officer, or other hearing participant the exact medical reason for the exception or accommodation.

3.2 Pre-Hearing Conference Requirements for Parties. At least two (2) business days before the Pre-Hearing Conference scheduled for each Party, the Party shall provide the Hearing Coordinator with electronic copies of the following information, copies of which the Hearing Coordinator shall distribute to the other Party or Parties and to the Hearing Officer.

- **Witness List**
A list of witnesses the Party intends to call at the hearing. Witnesses may include: persons interviewed by the investigator; persons identified in the Investigative Report, but not interviewed by the investigator; or a previously undiscovered witness who will testify about New Evidence. The Parties must inform the Hearing Coordinator in writing if they do not intend to call any witnesses. The Hearing Officer may grant an extension to submit the witness list for good cause in accordance with Article 1.2.1. A Party may request an extension of time to submit a witness list by contacting the Hearing Coordinator. Witnesses who were not identified two days prior to the Party's Pre- Hearing Conference will not be permitted to testify at the hearing.

The Hearing Officer may place reasonable limitations on the number of witnesses, either before or after the list above is submitted, and will inform the Parties of such

limitation no later than two (2) business days prior to the hearing. The Hearing Officer may exclude Witness testimony that is cumulative or irrelevant to the issues presented. No witnesses other than those on the Party's list may testify without the consent of the Hearing Officer.

- **Name of Designated Advisor or Request for a UNM Advisor**
Each party shall provide the Hearing Coordinator with the name of their Advisor and disclose whether the Advisor is an attorney representing the Party, whether or not such attorney is engaged in the practice of law in New Mexico, or request a UNM Designated Advisor.
- **Electronic copies of any New Evidence**
Any Party requesting that the Hearing Officer consider New Evidence at the Pre-Hearing Conference must submit electronic copies of that evidence to the Hearing Coordinator.
In the case of new testimonial evidence, a written summary of the same must be submitted electronically to the Hearing Coordinator.

3.3 Preparation of Evidence.

All relevant evidence and witness names should have been submitted by the Parties or gathered by the investigator during the investigation preceding the hearing. The investigative file that is submitted to the Hearing Coordinator at the conclusion of an investigation contains the same evidence and documents provided to the Parties during the investigation.

All members of the University community are encouraged to cooperate with the Parties' reasonable requests to provide evidence and to appear at the hearing as witnesses.

3.3.1 Provision for New Evidence. The Parties may present New Evidence for consideration at the hearing at least two (2) business days prior to the Pre-Hearing Conference, as described in Article 3.2.

The Hearing Officer has sole discretion to determine whether the New Evidence will be accepted as evidence. The Hearing Officer shall consider the relevance of the evidence, whether the Party could have obtained it earlier, the time remaining until the hearing, and the degree of prejudice to the other Party when determining whether the New Evidence will be accepted as evidence.

3.4 Administrative Hearing Notice. In accordance with the CGP, upon completion of the Investigative Report, CEEO will submit the Investigative File in its entirety to the Hearing Coordinator. Upon receipt of the file, the Hearing Coordinator will schedule the date of the Pre-Hearing Conference and the Hearing. The Hearing Coordinator will send the Parties a Notice of Administrative Hearing no less than ten (10) business days before the hearing date.

The Administrative Hearing Notice will include the following:

- A description of the alleged violation(s), a list of all policies allegedly violated, a copy or link to these Administrative Hearing Procedures, and the potential sanctions/responsive actions that could result if the Respondent is determined to have violated a policy.
- That a Preponderance of the Evidence standard will be applied by the Hearing Officer;
- The time and date of the hearing and whether the hearing will be in person or conducted via a virtual platform;
- Any technology that will be used to facilitate the hearing;
- A list of all those identified by the Parties who will attend the hearing, if known;
- Information regarding how the hearing will be recorded and how the Parties may access the recording after the hearing;
- A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. No inference will be drawn from the absence of a Party or witness;
- Notification that the Parties may have the assistance of an Advisor at the hearing and will be required to have one present to conduct Direct-Examination;
- Notification that if a Party does not secure an Advisor of their choice, the University will designate one free of charge;
- A copy of the Investigative Report created by CEEO.
- A copy of any report issued by another department, including but not limited to Human Resources, which addresses potential violations of policies other than UAP 2720, 2740, 2745, 2760, or 3110 by an employee Respondent whose alleged conduct arises out of the same facts and circumstances as set forth in the Investigative Report.
- An invitation to contact the Hearing Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing.
- A statement that individuals not designated by the Hearing Officer or these procedures are prohibited from recording the hearing.

ARTICLE 4. HEARINGS

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

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hearings may not be recorded by any person or means. If any participant is found to be recording the hearing, they will be immediately removed from the hearing and prohibited from further participation. If it is later discovered that a participant recorded all or part of the hearing, the person alleged to have violated these procedures may be subject to disciplinary action under the UNM policies applicable to each participant.

4.1.1 Consolidation. There is a presumption that separate matters with the same Parties and/or witnesses shall be adjudicated as separate matters. The Hearing Officer may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same facts or circumstances.

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

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

A Party must identify their Advisor at least two (2) business days before the Pre-Hearing Conference by contacting the Hearing Coordinator. A Party must also disclose whether their Advisor is an attorney. If a Party appears at the hearing without an Advisor, the hearing may not proceed until either the Party designates an Advisor or the University designates an Advisor for that Party. A Party cannot decline the UNM-designated Advisor without first selecting an Advisor of the Party's choice.

4.2 Opening and Closing Statements. Only Parties shall be allowed to make Opening or Closing Statements and such statements shall be permitted at the discretion of the Hearing Officer. If the Hearing Officer allows one Party this option, each Party will have the same option. Neither Opening nor Closing Statements are considered evidence relied upon by the Hearing Officer.

4.3 Evidence. The Parties may testify, present testimony of other witnesses, and/or explain documents and other evidence at the hearing. The Hearing Officer may exclude cumulative, unfair, confidential or irrelevant evidence (see Article 4.5 below), but UNM Administrative Hearings are not governed by state or federal Rules of Evidence.

The Hearing Officer may rely on any relevant statement of a Party or witness in reaching a determination of whether a policy was violated regardless of whether a Party or witness attended the hearing or was subjected to Cross-Examination at the hearing.

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

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

4.4 Determination of a Question as Relevant. Before a Party or witness responds to a question on Direct-Examination, the Hearing Officer must first determine if the question is relevant. The Hearing Officer must explain any decision to exclude a question on the basis that it is irrelevant. Questions submitted for Cross-Examination will be reviewed for relevancy by the Hearing Officer separately.

4.5 Irrelevant/Inadmissible Evidence. The Hearing Officer shall exclude any evidence that is deemed irrelevant or otherwise inadmissible, including but not limited to the following:

- A Complainant's prior sexual history, unless offered to prove Complainant's consent with respect to Respondent, or to prove that someone other than Respondent committed the alleged conduct;
- Information protected by a legally recognized privilege (i.e., attorney-client privilege);
- Duplicative or cumulative evidence;
- A Party's FERPA-protected education records unless the Party gives written consent;
- A Party's HIPAA-protected treatment records unless the Party gives written consent;
- Information that is not related to the matter which is the subject of the hearing.

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

4.6 Order of Evidence. Pursuant to Article 4.3, the Hearing Officer may determine the order

of evidence to be presented at the hearing. Each Party, however, will have opportunity to do the following:

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

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

4.7 Witnesses. The Hearing Coordinator is responsible for scheduling witnesses for the hearing; however, the Parties are responsible for ensuring that their witnesses appear to testify at a hearing. The Parties shall have the right, within reasonable limits set by the Hearing Officer, to question their own witnesses. The Hearing Officer will require all witnesses to affirm the truth of the testimony they present. Witnesses are allowed in the hearing room only during their own testimony. Witnesses on a witness list submitted by a Party and approved by the Hearing Officer shall be allowed to testify even if a Party does not appear at the hearing.

Providing testimony is voluntary and witnesses cannot be compelled to testify. Witnesses shall notify the Hearing Coordinator during the scheduling process if they choose not to participate. A witness may refuse to answer all or part of any question posed. The Hearing Officer cannot draw an inference about the Respondent's violation of a policy based solely on the absence of any Party or witnesses from the live hearing or their refusal to submit to Direct examination or Cross-Examination.

A Party may testify on their own behalf. A Party may eliminate a witness from their list by notifying the Hearing Coordinator in writing. The Hearing Coordinator will notify the other Party or Parties and the Hearing Officer upon receiving such notice.

Reasonable limits on one's right to question witnesses may be imposed by the Hearing Officer and may include any modifications the Hearing Officer deems appropriate under the circumstances or the result of any accommodation approved by ARC or the ADA Coordinator. Requests for modifications to the method a Party's or witness' testimony is elicited or presented must be included with the witness list submitted by the Party seeking the modification.

4.8 Rules of Decorum. Hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. As such, the University has adopted rules of decorum that prohibit any Party, witness, Advisor, or Hearing Officer from questioning witnesses or Parties in an abusive, intimidating, or disrespectful manner. These rules may be enforced through the removal of any participant who refuses to comply with said rules.

The rules and standards apply equally to all participants regardless of sex, gender, or other

protected class, and regardless of whether they are in the role of Advisor, Complainant, Respondent, witness, or other participant.

The following Rules of Decorum are to be observed during the hearing:

1. Questions must be conveyed in a neutral tone;
2. Parties, Advisors and witnesses will refer to all hearing participants using the name and gender used by the person and shall not intentionally misname, deadname, or misgender any person in communication or questioning;
3. No participant in a hearing may act abusively or disrespectfully during the hearing toward any other Party, witness, Advisor, the Hearing Officer, or any other individual participating in the hearing;
4. Advisors may not yell, scream, badger, or physically “lean in” when questioning a witness;
5. Participants may not use profanity unless the language is a direct quote from some source such as the Investigative Report or witness. Advisors may not make personal attacks that harass or intimidate a Party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question;
6. Participants may take no action prior to or at the hearing that a reasonable person would see as intended to intimidate or coerce a Party, witness, Hearing Officer, or any other participant to testify, refuse to testify, or decide the matter in a particular way.

4.8.1 Warning and Removal Process. The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules before or during the hearing. The Hearing Office may immediately remove any person whose violation of Rules is so egregious as to warrant such removal.

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to either remove the offending person or allow them to continue participating in the hearing or other part of the process. Warnings to, decisions to, and/or reasons for the removal of a Party, Advisor, or witness shall be included in the Administrative Hearing Determination. If the Hearing Officer removes a Party’s Advisor, the Party may select a different Advisor of their choice, or accept an Advisor provided by the University. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated when an Advisor

is removed. A Party cannot serve as their own Advisor in this circumstance. The Hearing Officer shall make no inference with regard to the removal of an Advisor.

4.9 Closing the Hearing. No New Evidence may be submitted for the Hearing Officer's consideration after the hearing concludes. The hearing is deemed fully and finally closed for purposes of appeal pursuant to Article 6 herein upon the issuance of the Administrative Hearing Determination, unless the Hearing Officer expressly leaves the proceedings open pending some later action to be taken by the Hearing Officer, a Party, or another person or entity specifically identified in the Hearing Officer's express instruction that the hearing remain open pending the later action occurring.

ARTICLE 5. POST HEARING PROCEDURE

5.1 Record of Proceedings. The Hearing Coordinator shall make a digital audio recording of all proceedings. The Parties may request a copy of records from the Hearing Coordinator after the hearing has been finally closed. Best efforts shall be made to provide the Party with a digital copy of the recording within two (2) days of a request.

Records shall consist of the digital recordings of all proceedings and an electronic copy of all documents introduced as evidence, including evidence deemed inadmissible by the Hearing Officer. The record shall be kept by the University for ten (10) years after all appeals have been concluded.

5.2 Written Closing and Impact Statements. After hearing the evidence, the Parties have the option of submitting to the Hearing Officer (a) written Closing Statement of no more than five (5) pages; and/or (b) an Impact Statement of no more than five (5) pages, unless the Hearing Officer allows an extension of these page limits. Parties must submit their Closing or Impact Statements to the Hearing Coordinator no later than five (5) business days following the final closing of the hearing. The Hearing Officer has discretion to allow additional time for written Closing and/or Impact Statements to be submitted upon good cause shown by either Party as described in Article 1.2.1.

5.3 Administrative Hearing Determination. In making a determination, the Hearing Officer considers all available evidence in the investigative file, contained in the Investigative Report, and any testimony presented at the hearing. The Administrative Hearing Determination shall include the following information as appropriate to the circumstances:

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

- If a Party did not attend or refused to fully participate, a statement indicating that the Hearing Officer made no inference as to the Party's absence or refusal to answer questions;
 - If the hearing was delayed, the reason for the delay and rationale for rescheduling it;
 - A statement of the procedures applied to the hearing, including the burden of proof standard;
 - Whether there were any disruptions to the hearing resulting in the issuance of warnings by the Hearing Officer and, if a participant was removed from the hearing, the reasons for such removal and any resulting delays from such disruptions;
 - A list of witnesses who testified at the hearing;
 - An analysis of each alleged policy violation consistent with the University's Analysis of Claims, and the evidence relied upon by the Hearing Officer, including the following considerations, as applicable: the weight given to a particular statement or piece of evidence; any power differential that exists between the parties; the ability of a Party to affirmatively consent to alleged conduct, consistent with UAP 2740; the credibility of Parties and/or witnesses;
 - A brief review of evidence excluded by the Hearing Officer, including written statements and testimony offered by a Party or witness, and the rationale for doing so;
 - Sanctions, if any, determined by the sanctioning authority.²
 - Statement indicating how and when an appeal may be taken.
- **5.4 Sanctions.** If the Hearing Officer determines there was a policy violation by either Party, the Hearing Officer shall inform the appropriate sanctioning authority of the findings. The Sanctioner is provided with a copy of the Administrative Hearing Determination, and on a case-by-case basis, may be provided additional documentation upon request. The Sanctioner will inform the Hearing Officer as to the sanctions to be imposed and the Hearing Officer will include those sanctions in the Administrative Hearing Determination.³
- 5.5 Remedies.** Upon a finding that the Respondent is responsible for a policy violation, CEEO or the Title IX Coordinator may provide Remedies to Complainant in adjudications involving UAP 2740 and 2760.

ARTICLE 6. APPEALS

- **6.1 Appeal.** No appeal of the Hearing Officer's decision may be taken until the Administrative Hearing Determination is issued to the Parties above. The timing and process for any appeal will be pursuant to the instructions in the Administrative Hearing

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

³ See above.

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