

Annual Security and Fire Safety (Clery) Report

2020



The University of New Mexico-Valencia Campus

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

The Clery Act requires all colleges and universities across the country to publish an annual safety report by October 1st of each year. The 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 The University of New Mexico-Valencia Campus (UNM) community, including current and prospective faculty, staff, and students, of what safety features UNM-Valencia has to offer and what Clery Crime Statistics have been reported at UNM-Valencia. The Annual Security and Fire Safety Report (ASFSR) is published and distributed by UNM-Valencia via e-mail to all current faculty, staff, and students each year, as part of the requirements of the Clery Act. The ASFSR can also be found on the UNM-Valencia web page at <http://valencia.unm.edu/campus-resources/campus-police/index.html>.

Preparing the ASFSR:

Each year the ASFSR for UNM-Valencia Campus is prepared by Diana Sargent, Clery Program Coordinator, under the direct supervision and guidance of Lieutenant B. A. Killinger, UNM-Valencia Police Department, at the direction of the Director of Business Operations and the Chief Executive Officer. The annual review of the following is used to put together UNM-Valencia's ASFSR:

- A review of applicable policies that are required as part of the ASFSR;
- An inventory of crime prevention and educational programming efforts that are offered by UNM-Valencia for the campus community;
- A review of the reporting avenues for the UNM-Valencia Community to report crimes to at UNM-Valencia.
- A reconciliation and review of the Crime Statistics that are required to be entered as part of the ASFSR.

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-Valencia Campus:

- UNM-Valencia PD
- Campus Security Authorities (CSAs) who handle the majority of conduct referrals at UNM-Valencia
- 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, UNM-Valencia PD 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:

- Director of Student Services
- 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.

The University of New Mexico-Valencia Campus Crimes

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

Clery Reportable Crimes at UNM-Valencia Campus:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A felony or misdemeanor crime of violence committed by:

- a. A current or former spouse or intimate partner of the victim or
- b. A person with whom the victim shares a child in common
- c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
- d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

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

Dating Violence:

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

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

- a. Dating Violence includes, but it is not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating Violence does not include acts covered under the definition of Domestic Violence.

Stalking:

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

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

UNM-Valencia 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.

Non-Campus Property – Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This would include buildings not located reasonably contiguous to UNM-Valencia.

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

<i>UNM-Valencia Clery Crime Statistics (2017, 2018, 2019)</i>						
Crime	On Campus*			Non-Campus		
	2017	2018	2019	2017	2018	2019
Murder & Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	1	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0
Arson	0	0	0	0	0	0
Burglary	1	0	1	0	0	0
Liquor Law Arrests	0	0	0	0	0	0
Drug Arrests	0	0	1	0	0	0
Illegal Weapons Arrests	0	0	0	0	0	0
VAWA Clery Crimes:						
Dating Violence	0	1	0	0	1	0
Domestic Violence	0	1	0	0	0	0
Stalking	1	2	0	0	0	0
Referrals for Disciplinary Action:						
Liquor Law Referrals	0	0	0	0	0	0
Drug Law Referrals	0	0	0	0	0	0
Weapons Law Referrals	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0
Unfounded Crimes	0	1	0	0	0	0

*Currently UNM – Valencia only has “On Campus” facilities per federal regulation definitions. Report only reflects data for on campus and non-campus facilities. See full report for definitions

Definitions under Federal Regulations

On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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

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

Whom should UNM Community Members specifically report Clery Crimes to?

It is preferred that UNM-Valencia faculty, staff, and students who are the victims of, or witness to, any crime(s) on the UNM-Valencia Campus accurately and promptly report incidents to UNM-Valencia PD (505-925-8570). In addition, reports can also be made to:

- The UNM 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.
- Your local police department if you are not located on the UNM-Valencia Campus.
- The Director of Student Services Office (505-925-8560) – All members of the UNM community, including faculty, staff, students, and visitors, can report crimes to the Director of Student Services.

Anonymous, Confidential, and Voluntary Reporting:

We encourage all individuals to report crimes, however, when the victim or witness of a crime on the UNM-Valencia Campus elects not to, or is unable to make such a report to the UNM-Valencia PD or their respective law enforcement agency, but wants it included as a statistic in the ASFSR, a voluntary, confidential report can be made using one of the following reporting avenues:

Anonymous, Confidential and Voluntary Reporting Sites:

- Student Health and Counseling (SHAC) – Professional counselors with UNM's SHAC are not CSAs, so that crime reports made to counselors by UNM students are not disclosed by the counselor to the UNM-Valencia 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 PD for inclusion in the annual disclosure of crime statistics. Phone Number: (505) 272-6868 Website (<https://cars.unm.edu>)
- 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>

Not Reporting Crimes:

- Victims of crimes have the right not to report crimes to the local authorities or other departments, however, UNM encourages all victims of crimes to accurately and promptly report the incident to one of the Advocacy Centers; 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 UNM resources, and to understand more about the investigative process, should you elect to have the incident investigated.

Crimes that should 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 of Property

Reporting To and Overview of the UNM-Valencia Police Department

All UNM-Valencia PD officers are required to meet state certification standards mandated by the New Mexico Department of Public Safety. UNM-Valencia PD officers are commissioned by the UNM Board of Regents (Section 29-5-2 NMSA 1978). They have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances, and campus traffic regulations, and the authority to arrest. Officers are also cross-commissioned countywide by the Valencia County Sheriff. Commissioned county-wide means that UNM-Valencia PD officers have jurisdiction both on and off campus, and throughout the entire Valencia County area.

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

In an emergency, you may dial 911 or 505-925-8570. The 911 system automatically traces the location of all calls, which enables officers to respond even when a caller cannot provide the

location. When you dial 911 from a campus telephone, your call will be received by the Valencia County Dispatch. If you use a cell phone to dial 911, the call will also be received by Valencia County Dispatch, but will be dispatched to UNM-Valencia PD if you have an on campus emergency.

UNM-Valencia PD encourage faculty, staff, and students who are the victim of, or witness to, any crime on the UNM-Valencia Campus to accurately and promptly report the incident to the UNM-Valencia PD by calling 505-925-8570. Crimes committed off the UNM-Valencia Campus should be reported to the appropriate police agency (Valencia County Sheriff's Department, Los Lunas Police 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-Valencia PD maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

Daily Crime Log*:

UNM-Valencia PD maintains a Daily Crime Log of all reported crimes, which includes:

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

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

Emergency Response Procedures

In the event of a significant emergency or dangerous situation involving an immediate threat on campus, UNM-Valencia has a multi-faceted, emergency communications system designed to notify students, faculty, staff, and visitors through text and email alerts, Campus Wide Mass Notification Alert system, and webpage notifications. Plans and policies are in place such that the UNM-Valencia will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Students, faculty, and staff are automatically enrolled in LoboAlerts, which is an emergency text messaging system, and the greater community can also receive the alerts through social networking sites like Twitter and Facebook.

The UNM Emergency Control Policy (UNM Policy 6130) outlines the process that the UNM-Valencia Police Department uses to confirm that a significant emergency exists, and the process used to target messages to the appropriate segments of the Valencia campus. The decision to send out notification of a significant emergency lies with the Director of Business Operations or any of his respective designees, and/or the UNM-Valencia Police Lieutenant. Ideally, these officials will collaborate when deciding whether to initiate the notification system; however, these officials are authorized to initiate the system on their own, without first obtaining the concurrence of the others, if circumstances do not allow for collaboration. The UNM-Valencia Communication and Marketing Department may assist in crafting the content of the notification message which is then disseminated by the appropriate communications department to the campus community through one or more of the systems described above.

UNM-Valencia conducts exercises of the campus emergency communications system annually. At that time, the Network Emergency Broadcast Alert system and web page are deployed.

UNM-Valencia provides orientation to new students, faculty, staff, campus groups, and departments regarding basic safety and emergency preparedness efforts. UNM-Valencia has an Emergency Management Committee which reviews plans and procedures on an ongoing basis.



Timely Warning Processes

When a Clery Act crime is committed within UNM-Valencia's Clery geography, and the situation poses a serious or continuing threat, the Director of Business Operations or UNM-Valencia PD 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-Valencia Campus);
 - Public property (public property that is immediately adjacent to the UNM-Valencia 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 crime, who may still be on campus and has not been apprehended, could potentially pose a serious and continued threat to UNM.

Once it has been determined that the requirements above have been met, the UNM-Valencia PD will notify the Director of Business Operations (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 Director of Business Operations and UNM-Valencia PD. 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 unnm.edu e-mail address, and members of the community who have signed up through the community site. The UNM Communications Director will notify, as appropriate, the local news media and social media to inform the community outside of UNM.

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

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>.

Procedures to follow if a crime of sexual assault, domestic violence, dating violence, or stalking (sexual misconduct) has occurred

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

First Steps to Consider:

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

- Contact a resource center to help you navigate your options.
- Contact a **University Survivor Advocate**

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

Getting Medical Attention:

Albuquerque Sexual Assault Nurse Examiner (SANE)

- Located at 625 Silver Ave SW
- 505.884.SANE (7263) (24-hr. dispatch)
- 24-hour free medical and forensic exams by trained nurses; emergency contraception; treatment for sexually transmitted infection; evidence collection; forensic photography; follow-up services. UNM-Valencia PD can provide transportation—even if you do not want to file a police report! ***SANE may be able to collect evidence within 5 days of an assault.***

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

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

REPORTING INCIDENTS OF CRIMES OF VIOLENCE INCLUDING SEXUAL MISCONDUCT

Criminal Reporting Options (Should you wish to pursue this incident criminally)

If the incident occurred on the UNM-Valencia Campus, contact the [UNM-Valencia PD](#) –

- UNM-Valencia PD can be reached by calling (505) 925-8570
- You may decline to notify law enforcement authorities

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

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

Administrative/Disciplinary Reporting Option (Should you wish to pursue administrative/disciplinary complaint)

Contact the Office of Equal Opportunity (OEO) at (505)277-5251 or by e-mail at oeounm.edu

- OEO only investigates incidents and does not sanction
- You may decline to notify OEO

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

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

Protective and Supportive Measures:

The LoboRESPECT Advocacy Center, located at <https://loborespect.unm.edu/>, provides detailed information.

Student Supportive Measures

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

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

Protective and Supportive Measures
<ul style="list-style-type: none">• Assistance in communicating with law enforcement and/or administrative investigative resources on campus
<ul style="list-style-type: none">• Assistance in accessing counseling or health care resource both on the UNM Campus and in the community
<ul style="list-style-type: none">• Academic accommodations, which may include working with professors regarding completion of coursework and with absences
<ul style="list-style-type: none">• Course accommodations, which may include changing course sections to eliminate/limit interactions between affected parties or complete withdraws should a student wish to separate from the university
<ul style="list-style-type: none">• Assistance with working with Financial Aid and Scholarships to help the student continue their financial assistance at UNM-Valencia

<ul style="list-style-type: none"> • Assistance with communicating with supervisors for on campus jobs, regarding work schedules and absences from work
<ul style="list-style-type: none"> • Assistance in creating safety strategies for the student
<ul style="list-style-type: none"> • Assistance with visa or immigration status, should there be a potential for impact on those statuses
<ul style="list-style-type: none"> • Potential to impose Interim Suspensions on students or employees, who are respondents
<ul style="list-style-type: none"> • Assistance with <u>no-contact directives</u>, which means students can request to have another person not contact them directly or through other avenues.

UNM Employees can seek supportive measures, through either:

<p><u>Counseling and Referral Services</u> (CARS) (505) 272-6868 http://cars.unm.edu</p>
<ul style="list-style-type: none"> • Provides a safe and confidential setting in which clients may freely discuss concerns to promote emotional healing
<ul style="list-style-type: none"> • Offers assistance in identifying specific resources, University offices, and/or policies for guidance in addressing the client's situation.
<ul style="list-style-type: none"> • Offers assistance in developing options for reporting alleged violations of law or policy.
<p>UNM Ombuds Services: (505) 277-2993 https://ombudsforstaff.unm.edu</p>
<ul style="list-style-type: none"> • Offers confidential, neutral, informal, and independent assistance in the form of one-on-one visits in which an ombuds listens, without judgment, in order to help a visitor gain deeper understanding of his or her situation and options. While an ombuds may listen and provide a visitor with information, the visitor is solely responsible for deciding what actions to take.
<ul style="list-style-type: none"> • Offers assistance in identifying specific resources, University offices, and/or policies for guidance in addressing the visitor's situation.
<ul style="list-style-type: none"> • Offers assistance in developing options for reporting alleged violations of law or policy.

Investigative and Disciplinary Procedures:

OEO has the responsibility of investigating all matters of Sexual Misconduct, (including sexual harassment, domestic violence, dating violence, and stalking) for faculty, staff, and students. Through the investigative process and disciplinary process, both the complainant and the respondent have the right to have an advisor of their choice present during any institutional investigative or disciplinary proceeding. Additionally, during the investigative process and disciplinary process, the complainant and respondent in crimes of violence (including sexual violence, dating violence, domestic violence, and stalking) will be simultaneously notified, in writing, of the following:

- Notification of results of investigation and any disciplinary action
- Notification of appeal rights for both parties
- Notification of any change in results of the decision
- Notification of when the results of the investigation and any disciplinary action are final

- Notification to the next of kin, should the complainant be deceased due to result of such incident.

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

Complainants Shall Be Entitled:

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

Respondents Shall Be Entitled:

- To be treated with respect, dignity, and sensitivity throughout the process.
- To information on how the college will protect the confidentiality of the respondent.
- To notification of how to access all available resources (i.e., counseling services, advocacy/support).
- To be informed of the University's sexual violence policies and procedures.
- To timely written notice of all alleged violations within the complaint.
- To a timely and thorough investigation of the allegations.
- To participate or decline to participate in the investigation or disciplinary process. However, these processes may still occur and decisions made based on the information available.
- To the same opportunity as the complainant to have others present at any meeting with University officials for support and/or consultation.
- To the same opportunity as the complainant to present and have others present evidence about alleged violations in investigatory and/or disciplinary proceedings.
- To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (respondent is free to share the outcome with anyone).
- To appeal the decision and sanctions determined by the investigation and/or disciplinary proceedings.
- To be protected against retaliation for their involvement in university investigatory proceedings.

UNM-Valencia will take the appropriate course of action based on the incident in question and will handle this incident in a prompt, fair, and impartial manner from the initial investigation until the conclusion of the appeals process. The preponderance of evidence standard will be utilized to decide the outcome of all administrative cases against faculty, staff and students. The investigators in OEO, who investigate cases of sexual misconduct (including sexual harassment, sexual violence, domestic violence, dating violence, and stalking) are trained annually,

specifically in investigating Title IX matters. Those whom sanction individuals for cases of sexual misconduct (including sexual harassment, sexual violence, domestic violence, dating violence, and stalking) are trained annually, specifically in sanctioning Title IX matters. These trainings include in-person workshops, facilitated presentations, and webinars, which cover proper techniques for questioning witnesses, evaluating evidence, and basic rules for conducting investigations.

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

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

FACULTY DISCIPLINARY PROCESS

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

1. The university encourages a supportive problem-solving approach to workplace problems, but the university recognizes that misconduct may require disciplinary action. The university normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension without pay or discharge pursuant to Faculty Handbook policies may be appropriate.
2. Any member of the faculty, including any serving as an academic administrator, who violates a published university policy may be subject to warning, censure, suspension without pay, or dismissal. Teaching or research assistants in their faculty capacity are considered faculty members for purposes of this Policy.
 - a) "Warning" means an oral reprimand or expression of disapproval.
 - b) "Censure" means a written reprimand or expression of disapproval, which should include an explanation of the nature of the misconduct, and the specific action to be taken by the faculty member and/or chair to correct the problem, including mentoring, if appropriate, and a statement that further disciplinary action could occur should the problem persists.
 - c) "Suspension without pay" means disciplinary suspension without regular salary for a stated period of time.

d) "Dismissal" means termination of employment (see Faculty Handbook Sections B.5.3, B.6.4.3, and B.5.4).

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

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

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

6. In all cases other than those set forth in paragraphs 3 and 4 above, if a member of the faculty is alleged to have violated a policy of the university, the department chair shall provide the faculty member a written notice explaining the nature and specific content of the alleged violation, together with a copy of this policy, and shall discuss the alleged violation with the faculty member. The written notice shall be given to the faculty member within ninety (90) days of the chair learning of the apparent violation of policy. The faculty member may be accompanied by one person in meeting with the chair. The faculty member and the chair shall notify each other at least two working days prior to the scheduled meeting who, if anyone, will be accompanying them at the meeting. The chair should issue a written report within five (5) working days after the meeting summarizing the discussion with the faculty member, keep a copy in the faculty member's file, and send a signed copy to the faculty member. Before, during, or after the meeting, the chair may ask the faculty member to respond in writing to the notice and present any relevant written material within a reasonable time specified by the chair.

Likewise, the faculty member shall be free to submit any materials reasonably desired on his/her own volition, no later than five (5) working days after meeting with the chair unless the chair grants additional time in writing. The matter may be concluded at this point by the mutual consent of all parties.

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

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

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

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

11. If a faculty peer hearing is requested as provided in this Policy, the chair of the Faculty Ethics Committee will arrange for a hearing before two members of that committee from outside the faculty member's department, chosen by the Faculty Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as reasonably possible and shall be

conducted according to the university's Dispute Resolution Hearing Procedures. The University Secretary's office shall make arrangements for the hearing. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel may uphold or reverse the proposal to suspend the faculty member without pay. If the panel's decision is to reverse the proposal, the panel may direct the chair and dean to impose a lesser disciplinary measure. The panel's decision may be reviewed on the record by the Provost/Chancellor, but the panel's decision shall not be reversed or modified except in the case of clear error, which shall be detailed in writing by the Provost/Chancellor. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

12. The faculty member may bring a complaint before the Committee on Academic Freedom and Tenure (AF&T) if he/she believes the matter or its handling is within the jurisdiction of the Committee. The Committee will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee should be sought after the determination by the Provost/Chancellor. If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the faculty peer hearing, if one was held.

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

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

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

EMPLOYEE DISCIPLINARY PROCESS

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

The university encourages a supportive problem solving approach to performance problems, but the university recognizes that misconduct, violation of policies and procedures, and continued performance problems may require disciplinary action. The university normally uses the progressive discipline process described in [Section 4](#), herein, to address misconduct and continued performance problems. Progressive discipline is intended to be corrective, *not* punitive in nature. It is designed to provide employees with notice of deficiencies and an

opportunity to improve. However, some violations of policies and procedures, or continued negative behavior or performance may be of such serious nature that immediate suspension or discharge may be appropriate. The university retains the right, in accordance with applicable federal and state laws, and Regents' policies, to determine the methods, means, and personnel required to maintain efficient operations. This includes the right to hire, promote, transfer, assign, and retain staff employees in positions within the university.

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

2. Employee Responsibilities and Rights

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

2.1. Temporary and On-Call Employees

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

2.2. Probationary Employees

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

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

2.3. Post-Probationary Employees

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

2.3.1. Employees Hired on a Term Appointment

Certain employees hired into a position that is designated to run for a defined period of time are employed at the university under a term appointment agreement. Post-probationary employees

hired on a term appointment may be suspended or discharged only for proper/just cause (discussed in [Section 5](#), herein) during the term appointment. However, the individual's employment will end as of the specified date, unless the supervisor notifies the employee that the appointment will be extended. Separation at the end of the original or extended term end appointment shall not constitute discharge and does not require proper/just cause.

2.4. Contract Employees

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

3. Supervisor Responsibilities

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

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

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

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

- their superiors (especially their chair, dean, or director);
- the University Office of Ombuds/Dispute Resolution (DR) Services (refer to "[Dispute](#)")

- [Resolution Policy" Policy 3220, UBP](#));
- the university Counseling, Assistance, and Referral Service ([CARS](#));
- the Employee and Organizational Development Department in the Division of Human Resources; or
- the university Office of Equal Opportunity.

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

4. Progressive Discipline

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

Progressive discipline may not be appropriate in all instances; such as when health or safety is at risk or a crime has been committed, and is not a bar to a supervisor imposing stronger discipline with the approval of the Vice President for Human Resources, depending on the individual circumstances. Some violations (listed in [Section 5](#).) could be of such a serious nature that disciplinary action could lead directly to suspension or discharge with the approval of the Vice President for Human Resources.

Progressive discipline actions include the use of oral warnings, written warnings, suspensions, and/or discharge. Discipline should be administered equitably, consistently, and progressively. Depending on the nature of the performance problem, misconduct, or violation of policy, a supervisor may start progressive discipline at any appropriate point in the process. The following sections describe in detail the actions used in progressive discipline.

4.1. Oral Warning

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

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

The supervisor must make it clear to the employee that this is an "oral warning." An oral

warning is not documented in the employee's official personnel file, maintained by the Division of Human Resources.

However, the supervisor shall maintain a record of any oral warnings given which should be referred to in any further disciplinary action taken.

4.2. Written Warning

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

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

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

4.3. Suspension

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

4.4. Discharge

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

5. Proper/Just Cause

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

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

6. Notice Requirements

6.1. Notice of Contemplated Action

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

- Cite the acts which the supervisor believes may constitute proper/just cause. These may be any one (1) or more of the acts listed in [Section 5](#) herein.
- Give a summary of the evidence against the employee.
- Specify the contemplated action.

- State that the employee has ten (10) calendar days from receipt of the notice to respond orally or in writing to the contemplated action.

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

6.2. Notices

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

6.3. Computation of Time

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

6.4. Response to Notice of Contemplated Action

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

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

6.5. Notice of Final Action

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

- The final action to be taken.
- The acts constituting proper/just cause, which shall only include allegations specified in the Notice of Contemplated Action.
- A summary of the evidence.
- A reply to the employee's response, if any.
- The effective date of any disciplinary action.

- A statement that the employee may request within two (2) weeks of receipt of the Notice of Final Action that the DR Coordinator review the action according to the provisions of ["Dispute Resolution Policy" Policy 3220, UBP](#).

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

6.6. Pay Status

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

7. Required Approval by the Division of Human Resources

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

STUDENT DISCIPLINARY PROCESS

ARTICLE 4. DISCIPLINARY PROCESS

4.1. Prohibited Conduct

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

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

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

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

Under the University's Visitor Code of Conduct, which applies to the Albuquerque and all branch campuses, a visitor who commits a violation of this Code, including a sex offense, is subject to the following possible sanctions:

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

4.2. Referral of Misconduct to the Director of Student Services Office

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

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

B. As set forth in Article 1.8, disciplinary matters involving allegations of discrimination as

defined in that Article and Article 4.4 herein, including but not limited to allegations of sex discrimination/harassment/misconduct/violence, are addressed under Article 4.4.

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

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

ii. Informal Disposition Conference: The accused student and Director of Student Services will meet informally to discuss the alleged violation(s). If the substantive facts and sanction can be agreed upon, a disciplinary action agreement will be prepared by the Director of Student Services and signed by the accused student. A signed disciplinary action agreement will constitute a waiver by the student of the right to an administrative hearing or formal hearing as well as any appeal, and an acceptance of the findings and sanction.

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

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

iv. Formal Hearing with the Student Affairs Committee: This option allows the accused student to respond to the charges, present witnesses on his or her own behalf and question witnesses. Formal hearings are tape-recorded. Within three weeks of the conclusion of the hearing, the Student Affairs Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Affairs

Committee may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct. A formal hearing with the Student Affairs Committee is conducted in accordance with the procedures outlined in Articles 5 and 6.

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

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

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

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

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

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

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

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

4.3. Emergency Suspension and Banning from Campus

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

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

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

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

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

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

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

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

ii. "Complaint" refers to allegations of prohibited discrimination as defined herein filed with the University's Office of Equal Opportunity.

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

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

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

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

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

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

C. If Probable Cause is found that a student committed an act of discrimination in violation of university policy, OEO will refer the matter to the Director of Student Services Office to determine the sanction to be imposed. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the university's educational mission and obligations under university policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human Rights Act. Ordinarily, after consulting with the accused student, the Director of Student Services will decide which of the options set forth in Article 4.2(B) (iii) and

(iv) Herein, will be utilized to determine the sanction. The options of an administrative hearing with the Director of Student Services and the formal hearing with the Student Affairs Committee will be modified as appropriate so as to focus solely on determining what sanction(s) to impose. The options of mediation and informal disposition described in Article 4.2(B) (i) and (ii) respectively are not available when the accused student has been found to have engaged in prohibited discrimination in violation of university policy.

D. The decision on sanctions made by either the Director of Student Services or Student Affairs Committee may be appealed as provided for by Article 7.3 herein, except that the only permissible grounds for appeal is that there was significant procedural error in the sanctioning process of a nature sufficient to have materially affected the outcome of the sanction decision, and/or the severity of the sanction is grossly disproportionate to the violation(s) of university

policy that OEO found to have been committed. Both the accused student and the complainant may appeal the sanction decision. Neither the accused student nor the complainant may appeal the findings and determination made by OEO in the Article 7 appeals process.

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

ARTICLE 5. STUDENT AFFAIRS COMMITTEE

5.1. Jurisdiction

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

5.2. Composition

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

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

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

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

5.3 Investigation Report

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

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

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

ARTICLE 6. HEARING PROCEDURE

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

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

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

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

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

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

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

6.7. The accused student and the complainant may each request the presence of witnesses at

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

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

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

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

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

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

6.13. The Student Affairs Committee may seek advice from the Office of University Counsel throughout the adjudication process on questions of law or procedure; however, factual determinations are the exclusive domain of the Committee.

6.14. Decisions of the Student Affairs Committee are subject to appeal to the Vice President for Student Affairs, as per Article 7.2 herein, if the sanction imposed by the Committee is suspension, expulsion or banning from the campus. In cases involving allegations of discrimination as provided in Article 4.4 herein, decisions of the Student Affairs Committee are subject to appeal to the Office of the President as provided in Article 7.3 herein.

ARTICLE 7. APPEALS, RECORDS AND RIGHTS

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

7.1. Appeal to Director of Student Services

A. A student receiving a sanction of suspension, expulsion, or banning from campus from the Director of Student Services may appeal the decision to the Chief Executive Officer. A Director of Student Services Office appeal form must be completed and received by the Chief Executive Officer's Office within seven working days of the date of the written decision from the Director of Student Services.

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

1. There was significant procedural error of a nature sufficient to have materially affected the outcome;
2. The decision was not in accordance with the evidence presented;
3. There is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome; and/or
4. The severity of the sanction is grossly disproportionate to the violation(s) committed.

B. After reviewing the case, the Chief Executive Officer may:

- i. Affirm or overturn the findings of the Director of Student Services.
- ii. Affirm or alter the sanction imposed by the Director of Student Services.
- iii. Remand the case to the Director of Student Services. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Director of Student Services. Where a case is remanded, the decision of the Chief Executive Officer may be appealed to the Vice-President for Student Affairs.
- iv. The Chief Executive Officer will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party, with a copy sent to the Director of Student Services.

7.2. Appeal to Vice President for Student Affairs

A. Appeals to the Vice President for Student Affairs may be made from a decision of the

Director of Student Services to uphold a student's suspension, expulsion or banning from campus; or from a decision of the Student Affairs Committee imposing such a sanction.

B. An appeal form must be completed and submitted to the Vice President for Student Affairs within seven working days of the date of the written decision from the Director of Student Services or the Student Affairs Committee. The grounds for appeal to the Vice President are the same as for an appeal to the Director of Student Services (see Article 7.I (A)). On appeal, the Vice President for Student Affairs shall review the decisions of the Director of Student Services, Student Affairs Committee and/or the Director of Student Services. The Vice President for Student Affairs may meet with the party appealing to discuss the reasons for the appeal.

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

- i. Affirm or overturn the findings of the Director of Student Services or the Student Affairs Committee;
- ii. Affirm or alter the sanction imposed by the Director of Student Services or the Student Affairs Committee; or
- iii. Remand the case to the original tribunal (Student Affairs Committee or Director of Student Services) for further proceedings. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Vice President for Student Affairs. Where a case is remanded, the decision of the Student Affairs Committee or Director of Student Services may be appealed after rehearing to the Vice President for Student Affairs.
- iv. The Vice President for Student Affairs will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party. A copy of the decision shall be sent to the Director of Student Services.

7.3. Appeal to the President and the Board of Regents

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

- i. Decisions of the Student Affairs Committee or the Director of Student Services regarding sanctions imposed for violations of the university's prohibition against discrimination as provided in Article 4.4 herein are final, unless a sanction of suspension, expulsion or banning from campus is imposed. A student receiving such a sanction may appeal the decision to the Office of the President. The appeal must be in writing, contain a statement of the sanction (s) being appealed and the grounds therefore, and must be received at the Office of the President within seven working days of the date of the written decision from the Student Affairs Committee or Director of Student Services. Either the sanctioned student or complainant may appeal a sanctioning decision of the Director of Student Services or the Student Affairs Committee in cases involving sexual harassment, sexual misconduct, or sexual violence. Only the sanctioned student may appeal a sanctioning decision of the Director of Student Services or Student Affairs Committee in cases involving discrimination that is not related to sexual harassment, sexual misconduct, or sexual violence.
- ii. As provided in Article 4.4(D) herein, appeals of sanctions issued for violations of the

university's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that there was significant procedural error during the sanctioning process of a nature sufficient to have materially affected the outcome of the sanction decision and/ or the severity of the sanction is grossly disproportionate to the violation (s) of university policy that OEO found to have been committed.

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

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

iv. After reviewing the case, the President may:

- a) Affirm the sanction(s) issued in its/their entirety;
- b) Affirm the sanction(s) issued in part and remand the remainder to the Student Affairs Committee and/or Director of Student Services for further proceedings; or
- c) Remand the decision issuing the sanction(s) on appeal in its/their entirety to the Student Affairs Committee and/or Director of Student Services for further proceedings.

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

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

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

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

UNM WEAPONS POLICY

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

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

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

Allowable Self-Defense Items

- ▢ Pepper Spray – Members of the UNM campus community may carry pepper spray (AKA oleoresin capsicum) in container no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than ten (10) percent, for self-defense purposes
- ▢ Stun Guns – with a maximum amperage of five (5) milliamps for self-defense purposes

POLICY ON ILLEGAL DRUGS & ALCOHOL

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

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

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

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

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

Note: Until a few years ago, the Department of Education interpreted this to require that the policy be sent via printed documents through campus mail. The use of electronic distribution (email) is now considered appropriate, given,

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

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

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

The UNM-Valencia Drug Free Campus

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of the

commitment of UNM-Valencia to an environment for the pursuit of its educational mission free of drugs and the illegal use of alcohol. Drug and alcohol abuse on campus poses a serious threat to the health and welfare of faculty, staff, and students; impairs work and academic performance; jeopardizes the safety and well-being of other employees, students, and members of the general public; and conflicts with the responsibility of The University of New Mexico to foster a healthy atmosphere for the pursuit of education, research, and service. Federal and State laws relating to controlled substances and alcohol are enforced by the UNM-Valencia PD. 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. 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-Valencia property or as part of any of its activities by any member of the UNM-Valencia community—faculty, staff, or students—is strictly prohibited.

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

UNM-Valencia'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-Valencia shall maintain alcohol and drug-free awareness programs to inform members of the University community about the issues and risks of substance abuse, and about counseling and treatment resources. The university shall assign responsibility for such awareness programs to specific administrative entities, which shall be provided sufficient resources to develop and maintain the programs. As a

matter of policy, any referral, treatment, awareness, or primary prevention programs established by the University shall play no role in enforcing or instituting possible disciplinary action.

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

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

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

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

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

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

FEDERAL DRUG TRAFFICKING PENALTIES (Figure 1)

DRUG/ SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 – 4999 gms mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an Individual, \$5 million if not an individual. Second Offense: Not less than 10 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than \$4 million if an individual, \$10 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, & not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual. Second Offense: Not less than 20 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than \$8 million if an individual, \$20 million if not an individual. 2+ Prior Offenses: Life in prison
Cocaine Base (Schedule II)	5 - 49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1- 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 – 499 gms mixture		50 gms or more pure, or 500 gms or more mixture	
PCP (Schedule II)	10-99 gms pure or 100 – 999 gms mixture		100 gm or more pure, or 1 kg or more mixture	

DRUG/ SCHEDULE	QUANTITY	PENALTIES
Other Schedule I & II Drugs (& any product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.
Flunitrazepam (Schedule IV)	1 gm or more	Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250, 000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	30 – 999 mgs	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All other Schedule IV drugs	Any amount	First Offense: Not more than 3 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Rohypnol) (Schedule IV)	Less than 30 mgs	Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

DRUG	QUANTITY	1ST OFFENSE	2ND OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	Not less than 10 yrs, not more than life. If death or serious injury, not less than 20 yrs, not more than life. Fine not more than \$4 million if an individual, \$10 million if not an individual.	Not less than 20 yrs, not more than life. If death or serious injury, mandatory life. Fine not more than \$8 million if an individual, \$20 million if not an individual.
Marijuana	100 kg - 999 kg mixture; or 100 – 999 plants	Not less than 5 yrs, or more than 40 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine not more than \$2 million if an individual, \$5 million if not an individual.	Not less than 10 yrs, not more than life. If death or serious injury, mandatory life. Fine not more than \$4 million if an individual, \$10 million if not an individual.
Marijuana	More than 10 kgs hashish; 50 – 99 kg mix. More than 1 kg of hashish oil; 50 – 99 plants	Not more than 20 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine \$1 million if an individual, \$5 million if not an individual.	Not more than 30 yrs. If death or serious injury, mandatory life. Fine \$2 million if an individual, \$10 million if not an individual.
Marijuana	1 – 49 plants; less than 50 kg mixture	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if not an individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

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

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

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

Excessive alcohol consumption and abuse of illicit drugs can lead to certain types of cancer, pathological changes in the liver, brain, heart, and muscle, which can lead to disability and death, addiction, birth defects, shortened life span, stomach ulcers phlebitis, varicose veins, and other health problems. Alcohol and drugs are also a major factor in homicides, assaults, rapes, suicide, family, and date violence. Alcohol is significantly involved in all types of accidents – motor vehicle, home, industrial, and recreational.

Unintended pregnancies and sexually transmitted diseases are often associated with alcohol or other drug abuse, as well as relationship, academic, or work problems.

For more information on the possible effects and health risks associated with the use of illicit drugs and alcohol, contact the Student Health Center Health Education Program at (505) 277-1074 or the UNM Campus Office of Substance Abuse Prevention at (505) 277-2795. Information on the possible effects and health risks associated with the use of illicit drugs and controlled substances is also contained in the Policy on Illegal Drugs and Alcohol that appears in the UNM Pathfinder—UNM Student Handbook (<https://pathfinder.unm.edu/index.html>.)

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.

UNM Employee Health Promotion Program 505-272-4460

UNM Employee Occupational Health Services 505-272-2517

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 Mental Health Center, Crisis Unit – 505-272-2800
UNM Women’s Resource Center – 505-277-3716

SEX OFFENDER REGISTRATION

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

A list of registered sex offenders is available online from the New Mexico Department of Public Safety at: <http://www.nmsexoffender.dps.state.nm.us/> or by calling the Valencia County Sheriff’s Department at (505) 866-2400.

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

UNM-Valencia Campus is committed to educating members of its campus community through a number of ongoing educational and awareness programs. All incoming students receive the following mandatory training, which is the primary prevention and awareness program for students:

Grey Area Training:

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

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

- Distraction
 - Using “I” Statements
- Defines Sexual Violence terms, such as sexual assault, stalking, and relationship violence

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

Intersections: Preventing Discrimination and Harassment:

The module raises awareness on the various topics of discrimination, harassment, and sexual violence. Intersections includes animated scenarios, skill practices, UNM policies and resources, sound and closed caption (CC) capability. The training is one hour in length for both faculty and staff, which includes:

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

General Campus Crime Prevention and Safety Related Programs

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

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

Protect the Pack:

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

Office of Equal Opportunity:

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

Definitions:

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

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

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

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

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

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 "Could I play a role here?", or
 - a. If nobody intervenes, what will likely happen?
 - b. Is someone else better equipped to respond?
 - c. What would be my purpose of responding?
3. Assess your options for providing help. Use your words; don't use violence to end violence.
4. Determine the potential risk(s) of taking action
 - a. Are there risks to myself and/or others?
 - b. Is there a low-risk option?
 - c. How could I reduce risks?
5. Determine how to implement your choice(s) safely.

Examples of safe bystander interventions:

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

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