

Annual Security and Fire Safety (Clery) Report

Academic Year 2021-2022

Includes Crime Statistics for Calendar Years 2019, 2020, and 2021



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 communities of Clery reportable crime statistics for the past three years, and contains institutional policies and programs that pertain to sexual misconduct, safety, and crime prevention. Doing so informs the entire UNM-Valencia Campus 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 Chancellor. 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 Program Coordinator UNM-Valencia PD, and UNM-Valencia Administration. 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/School Resource Officers. 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.

UNM-Valencia Clery Crime Statistics (2019, 2020, 2021)

Crime	On Campus*			Non-Campus		
	2019	2020	2021	2019	2020	2021
Murder & Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	1	0	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	1
Motor Vehicle Theft	0	0	1	0	0	0
Arson	0	0	0	0	0	0
Burglary	1	0	0	0	0	1
Liquor Law Arrests	0	0	0	0	0	0
Drug Arrests	1	0	0	0	0	0
Illegal Weapons Arrests	0	0	0	0	0	0
VAWA Clery Crimes:						
Dating Violence	0	0	0	1	0	0
Domestic Violence	0	0	0	0	0	1
Stalking	0	0	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	9
Weapons Law Referrals	0	0	0	0	0	1
Hate Crimes	0	0	0	0	0	0
Unfounded Crimes	0	0	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 recommended 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 ASF SR, 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 unm.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 [UNMValencia 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>Counseling and Referral Services (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

Dean of Students Office

Student Disciplinary Procedure

Prior versions of this procedure were known as the Student Grievance Procedure. The Student Grievance Procedure was approved by the Faculty Senate on 3/10/87, ASUNM Senate on 4/1/87, GPSA Senate on 5/2/87, and by the Board of Regents on 8/11/87.

Revisions were approved by the Faculty Senate in May 1994 and by the President in May 1995. Revisions approved by the President: March 5, 1999; June 19, 2001; July 2, 2013; May 13, 2014; May 21, 2015; January 13, 2016; February 24, 2021.

This Student Disciplinary Policy (SDP) applies to all student conduct matters occurring on or after February 24, 2021.

Any student conduct matters occurring prior to February 24, 2021, will be addressed with a previous applicable version of the Student Grievance Procedure (SGP). Please contact the Dean of Students Office for an archived version of this procedure.

Subject to Change Without Notice

I. Introduction

The Dean of Students Office Student Disciplinary Procedure is intended to provide University of New Mexico (“University” or “UNM”) procedures for handling student disciplinary matters. The Dean of Students Office is the office responsible for the administration of these procedures and has primary authority with student disciplinary matters on UNM’s main campus. These procedures are created and administered in accordance with Faculty Handbook Policies D175: Student Conduct and Grievance Procedures and D176: Graduate Student Grievance Procedures and the Student Code of Conduct. Faculty Handbook Policies D175 and D176 are in effect and should be reviewed in conjunction with these procedures: <https://handbook.unm.edu/section-d/>. Any question regarding these procedures should be directed to the Dean of Students Office.

II. Jurisdiction

The Dean of Students Office may take disciplinary action against a student for a violation of the Student Code of Conduct when the offense occurs on UNM premises or at a UNM-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to disrupt the academic process or other campus functions or endanger the health, safety or welfare of the UNM community or any individual Student or employee.

Student grievances or disciplinary matters arising in UNM Health Science Center (“HSC”) programs shall be handled under the procedures in effect for that HSC program.

Student grievance or disciplinary matters arising in the UNM School of Law shall be handled under the procedures in effect for the School of Law. The School of Law may refer the matter to the Dean of Students Office and handled pursuant to these procedures if approved by the Dean of Students.

Branch campuses shall follow this Student Disciplinary Procedure, as modified to identify the decision-makers at their respective campus or program. HSC departments or the School of Law may elect to follow this Student Disciplinary Procedure, as modified to identify the decision-makers at their respective campus or program.

At times, the Dean of Students Office may review allegations of Student Code of Conduct violations at the same time as another department (ex: Office of Compliance, Ethics and Equal Opportunity “CEEEO” or Residence Life & Student Housing) is reviewing the allegations for violations of another University policy.

The Student disciplinary process is entirely separate from criminal or civil litigation. Legal outcomes do not affect the Student disciplinary process, nor will pending criminal or civil litigation stop or delay the Student disciplinary process. As such, the Dean of Students Office may proceed with the Student disciplinary process before, during, or after any legal proceedings related to the allegations of Code of Conduct violations.

III. Definitions

For purposes of these procedures, the following definitions shall apply.

Student: includes all persons currently enrolled both full-time and part-time while pursuing undergraduate, graduate or professional studies at the University, whether full-time, part-time, non-degree, credit or no credit, or online-only; those who withdraw or graduate after allegedly violating the Student Code of Conduct or other University policy; those who were previously enrolled as Students but are not officially enrolled for a particular term yet have a continuing relationship with the University; and those who have been notified of their acceptance for admission. For purposes of these procedures, Student may also mean Student Organization.

Student Organization: means any number of persons or entities who have associated as a group and complied with the University's formal chartering requirements for recognition as a chartered Student Organization.

Student Organization Activity: means any activity on or off campus which is group sponsored, initiated, financed, advertised or attended by a significant portion of the members.

Complainant: refers to the person or persons filing a complaint about Student misconduct. Complainant may refer to the University, where the University itself pursues an alleged violation of the Student Code of Conduct or other University policy against a Student.

Respondent: refers to the Student or Student Organization who is responding to allegations of violating the Student Code of Conduct.

Witness: means any person who may have direct or indirect knowledge of the alleged incident or Evidence.

Good Cause: means adequate or substantial grounds or reason to take a certain action. Good Cause may be specifically defined or limited as noted herein.

Evidence: consists of, but is not limited to, eyewitness statements, photos, video, security video, audio recordings, social media, emails, texts, cellular records, police reports and any other information that would assist the Hearing Officer in making a finding.

Advisor: means an individual whose role is to provide the Complainant or Respondent support or counsel regarding the disciplinary process, subject to limitations as noted herein. The role of an Advisor under these procedures may differ from the role of an Advisor under procedures of other offices.

Hearing Officer: means a University Official authorized by the Dean of Students to facilitate Student conduct hearings and determine whether a Student or Student Organization has violated the Student Code of Conduct or other University policy. The Hearing Officer may or may not be the Student Conduct Officer or Administrative Hearing Officer.

Student Conduct Officer: means the staff person(s) in the Dean of Students Office with authority to facilitate Student conduct hearings and determine whether a Student or Student Organization has violated the Student Code of Conduct or other University policy. The Student Conduct Officer has authority to impose sanctions when violation has been substantiated by a preponderance of the Evidence and to issue interim or supportive measures when necessary. For purposes of these procedures, the Student Conduct Officer may also mean the Associate Conduct Officer.

Administrative Hearing Officer: means the staff person(s) serving as an independent officer under the supervision of the President with authority to adjudicate cases related to personnel issues, Student conduct violations, allegations of discrimination, Title IX violations, and other related matters.

University Official: includes any person employed by the University performing assigned administrative or professional responsibilities.

IV. Provisions Governing This Procedure

The following provisions govern the disciplinary process and apply to all matters referenced herein.

A. Evidence

The standard of proof utilized to resolve alleged violations of the Student Code of Conduct shall be that of preponderance of the Evidence, meaning that the Evidence, considered in its entirety, indicates that, more likely than not, the Respondent violated the Code of Conduct or University policy.

The formal rules of process, procedure and Evidence used by the legal system in civil or criminal trials do not apply to the University disciplinary process. Hearsay is admissible as Evidence in the University disciplinary process.

B. Email As Official Communication

The Dean of Students Office sends official notifications and other documentation or communication to Students via email to University email addresses. All correspondence sent from the Dean of Students Office by email is considered received by the Student on the date the email is sent. Students are responsible for these correspondences and any deadlines communicated therein regardless of whether they opened or read the email correspondence that was received. If the Student does not have access to a University email address (for example as a newly admitted Student), the Dean of Students Office will communicate via the email or mailing address otherwise provided to the University. See University Administrative Policy 2540: Student Email for Student responsibilities regarding email accounts.

C. Deadlines

Any University Official referenced in this procedure may set deadlines by which parties are required to respond to correspondence, meet with the University Official, or complete a sanction requirement. University Officials should set deadlines to ensure that a decision is rendered within sixty (60) days of a complaint being received by the Dean of Students Office. If a deadline has passed with no response from the party, the party has waived their right to respond or participate and the University Official shall proceed with the process without the response or participation.

Extensions of deadlines may be granted for Good Cause at the discretion of the University Official. Extension requests must be received prior to the deadline in order to be considered.

D. Role of Advisors

The Respondent and Complainant may be accompanied by one (1) Advisor at any meeting or hearing regarding the disciplinary process. The Advisor may be family, friend, or other personal or professional connection providing support or counsel to the Student during the disciplinary process. The Advisor may also be an attorney retained by a party at the party's own expense, but is not required to be. The Advisor, including an attorney Advisor if applicable, cannot act as a representative of the party, cannot have a voice in meetings or hearings and therefore is not permitted to present arguments or Evidence or otherwise participate directly in meetings or hearings. The Advisor must act in decorum at all times; this is, they must not object, raise their voice, argue, or seek to intimidate the University Official. The Advisor may not serve in a dual role as a Witness in any investigation or hearing.

The Student must provide the University Official conducting the meeting or hearing notice of the name of the Advisor and whether the Advisor is an attorney at least two (2) days prior to the meeting or hearing. A Student may not bring an Advisor without such prior notification. The University Official is not required to extend a deadline or reschedule a meeting or hearing because the Student did not provide such notification.

The Student, not the Advisor, is responsible for scheduling a meeting or hearing with the University Official. Reasonable efforts will be made to schedule meetings and hearings to include the Advisor, but the scheduling of meetings or hearings shall not be delayed due to the unavailability of an Advisor.

The Advisor must comply with the limitations set forth in this procedure. Should the Advisor act in noncompliance with this procedure as determined by the University Official conducting the meeting or hearing, the Advisor will first receive a warning that future acts of noncompliance will lead to their removal from the meeting or hearing. Upon any additional acts of noncompliance as determined by the University Official conducting the meeting or hearing, the University Official may direct the removal of the Advisor from the meeting or hearing. In such instances, the University Official may but is not required to reschedule the meeting or hearing to accommodate the presence of the Advisor.

E. Reasonable Accommodations for Documented Disabilities

The Dean of Students may consider exceptions to any portion of these procedures on a case-by-case basis for a reasonable accommodation for a documented disability or serious medical condition. Students who need an accommodation for the disciplinary process should contact the Accessibility Resource Center (arc.unm.edu). The Accessibility Resource Center works with Students to develop reasonable accommodations and verify accommodation needs.

F. Designees

Whenever these procedures specify a University Official by title, the University Official may designate someone to consider and/or decide the matter. A designee may only be appointed by a Dean, Vice President ("VP") or Senior Level Administrator. Such designee will normally be, but is not required to be, a member of the decision-maker's staff.

G. Former Students

If the Respondent has left the UNM community by graduation or otherwise, these procedures shall continue to apply so long as the event giving rise to the dispute occurred while the Student was a member of the UNM community and so long as UNM has the power to resolve the matter.

H. Conflict of Interest

The University Official deciding a matter shall not have a conflict of interest or bias with respect to the matter to be heard such that they cannot hear the matter fairly and impartially. Prior knowledge of the parties in the case or the conduct that is subject of the case does not constitute a conflict or bias. Prior decision-making regarding either party or prior sanctioning of either party does not constitute a conflict or bias. Allegations that a decision-maker has a conflict of interest or bias shall be reviewed by the Dean of Students, whose decision is final.

I. Calculation of Time and Time Limits

Unless otherwise specified herein, the term “days” refers to regularly recognized University business days and does not include weekends, holidays, or other University closures. For Good Cause, the University Official may extend any time limit set forth in this procedure. Good Cause includes but is not limited to the fact that a deadline falls during finals week or during a period such as vacations, holidays, intercessions, or summer session.

J. Use of Technology

Any meeting or hearing referenced herein may be conducted by telephone or videoconference technology where parties may be in separate rooms or locations. During a videoconference hearing, all participants, including but not limited to the Respondent, Complainant, Hearing Officer, and Advisors, must be able to both see and hear one another at all times, unless granted an exemption by the Hearing Officer for Good Cause. Good Cause may include inability to access videoconference due to unavailability of internet or technology.

K. Deviations from Procedures

Reasonable deviations from these procedures by UNM will not invalidate a decision or proceeding unless significant prejudice results.

V. Student Rights

Students participating in the disciplinary process as described in these procedures have the following rights:

- The Respondent has the right to written notice of the charges at issue in the proceeding that contains sufficient detail and time to prepare for a hearing.
- The Respondent has the right to a timely hearing before an appropriate official or committee.
- The Respondent has the right to know the nature and source of the Evidence used in a hearing process. Both parties may have access to the Evidence, upon request.
- Both parties have the right to present Evidence on their own behalf.

- Both parties have the right to choose not to testify and/or not to answer questions; in such cases, the decision-maker will decide the allegations based upon all the Evidence presented.
- Both parties have the right to be accompanied by an Advisor.
- The Complainant has the right to submit a victim impact statement during the sanctioning portion of the discipline process.
- The Complainant has the right to have past irrelevant behavior excluded from the discipline process.
- Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in an area covered by this procedure. See University Administrative Policy 2200: Reporting Suspected Misconduct and Whistleblower Protection from Retaliation.

VI. Reporting Alleged Misconduct

All members of the University community are encouraged to contact the Student Conduct Officer within the Dean of Students Office if they observe, experience, or encounter Student conduct they suspect may violate the Student Code of Conduct or other University policy.

Reports of alleged Student misconduct may be submitted in writing such as through email or by telephone, videoconference or in person through meeting with the Student Conduct Officer. Reports of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) days. Absent Good Cause, reports must be submitted within one year following discovery of the suspected misconduct.

Reports of alleged Student misconduct may be submitted anonymously via the University's Compliance Hotline, Ethicspoint at unm.ethicspoint.com or 1-888-899-6092.

Reports of alleged Student misconduct specific to hazing may be submitted online at the Dean of Students Office website. [Hazing Report Form](#)

VII. Interim And Supportive Measures

In certain circumstances, the University may issue interim or supportive measures upon notification of alleged Student misconduct. Interim and supportive measures are not sanctions and do not replace the Student disciplinary process. Rather, they are issued while the investigation or disciplinary process is proceeding. The University Official will assess the specific situation and the severity of the allegations to determine the appropriate interim or supportive measures to implement pending the outcome of the disciplinary process.

In matters involving Title IX, the University Official shall consult with the Title IX Coordinator before issuing any supportive measure.

Interim or supportive measures include, but are not limited to:

A. Interim Registration Hold

A registration hold is placed to prevent a Student from registering for classes.

Interim registration holds may be placed at the discretion of the Student Conduct Officer when a Student fails to meet regarding the disciplinary process by the required

deadline. The interim registration hold will be lifted after the Student meets with the Student Conduct Officer.

B. Interim Transcript Hold

A transcript hold is placed to prevent a Student from receiving an official copy of their transcript.

Interim transcript holds may be placed at the discretion of the Student Conduct Officer where a Student is facing serious allegations of misconduct that, if substantiated by a preponderance of the Evidence, would likely result in a Suspension or Expulsion from the University. The interim transcript hold will be lifted after the Student either is found not responsible for the allegations or, if responsible, after the sanctioning process has been completed and all appellate avenues exhausted.

C. Interim Restriction of Student Organization Social Events

An interim restriction of Student Organization social events is a temporary restriction of social gatherings. The restrictions may include but are not limited to formals, dinners, mixers, other social events, any activity involving alcohol, and some philanthropic events.

An interim restriction of Student Organization social events may be placed at the discretion of the Student Conduct Officer where a Student Organization is facing allegations related to drugs and/or alcohol; alleged violations that occurred at a social gathering; or alleged violations of the Fraternity and Sorority Risk Management Procedures.

D. Interim Suspension of Student Organization Activity

An interim suspension of Student Organization Activity is a temporary suspension of all or some Student Organization activities and/or a temporary suspension of the Student Organization charter. Interim suspension terms may include but are not limited to suspending meetings, practices, games, philanthropic events, recruitment and social gatherings.

The Dean of Students has designated the Student Conduct Officer to issue interim suspensions of Student Organization Activity. Interim suspensions of Student Organization Activity may be issued if the Student Conduct Officer determines, based on the seriousness of the allegations, that the organization's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions.

Interim suspensions of Student Organization Activity may be appealed to the Dean of Students. The Student Organization President, or designee, may request an appeal meeting with the Dean of Students. This appeal meeting shall be held as soon as possible after the request but no later than five (5) days after the request. The Dean of Students shall give the Student Organization an opportunity to explain their position and present Evidence.

After the meeting, if the Dean finds that the Student Organization's continued presence may endanger persons or property or threaten disruption of the academic process or other campus functions, the Dean shall uphold the interim suspension. The Dean may also revoke or modify the terms of the interim suspension.

E. Interim Ban from Campus

An interim ban from campus means being temporarily barred from all or designated portions of the University property or activities.

The Dean of Students has designated the Student Conduct Officer to issue interim bans. Interim bans from campus may be issued if the Student Conduct Officer determines, based on the seriousness of the allegations, that the Student's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions. The Student Conduct Officer will conduct an individual risk assessment prior to issuing an interim ban.

Interim bans from campus may be appealed to the Dean of Students. The Student may request an appeal meeting with the Dean of Students. This appeal meeting shall be held as soon as possible after the request but no later than five (5) days after the request. The Dean of Students shall give the Student an opportunity to explain their position and present Evidence.

After the meeting, if the Dean finds that the Student's continued presence may endanger persons or property or threaten disruption of the academic process or other campus functions, the Dean shall uphold the interim ban. The Dean may also revoke or modify the terms of the interim ban.

The Student Conduct Officer and Dean of Students may consult with the University's Threat Assessment Team, Title IX Coordinator, UNM Police, and/or any other appropriate University Official in decision-making regarding interim bans from campus.

F. No Contact Directive

A No Contact Directive is a means of preventing unwanted contact and communication and serves as a way to help prevent harassment and/or retaliation or other learning environment disruptions within the University setting. In an effort to support Students at the University of New Mexico, the Student Conduct Officer has the authority to issue and enforce No Contact Directives to a Student affiliated with the University of New Mexico.

A No Contact Directive is not a disciplinary action and is not indicative of a Code of Conduct or University policy violation for either party of the directive. Violations of a No Contact Directive involving a Student will be addressed as a disciplinary matter and allegations regarding Student violations will be resolved through the Student Code of Conduct pursuant to these disciplinary procedures.

The Student Conduct Officer will work with the appropriate University Officials at the Health Sciences Center colleges, School of Law, and branch campuses in requests involving Students in these programs. Typically, No Contact Directives are issued between two or more Students. In some cases, the Dean of Students Office may issue a No Contact Directive to a Student where another office on campus, such as Human Resources and/or the Provost's Office, issues a No Contact Directive to a staff or faculty members. For more information about No Contact Directives, please see the [Dean of Students, No Contact Directive FAQ](#).

VIII. Pre-Hearing Process

Following receipt of a report or complaint, the Student Conduct Officer shall assess whether the allegations are jurisdictional to the Dean of Students Office.

The Student Conduct Officer may perform a preliminary investigation regarding the allegations. A preliminary investigation may be performed to aid the Student Conduct Officer in determining jurisdiction, assessing what sections of the Code of Conduct the Respondent is alleged to have violated, gathering Evidence, or for other Good Cause.

If the allegations are jurisdictional to the Dean of Students Office, the Student Conduct Officer shall provide notice of the allegations to the Student and either propose resolving the situation with the non-disciplinary Restorative Resolutions Process or send Notice of Allegations and Investigation to the Respondent to initiate the disciplinary process.

A decision, 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 Dean of Students Office if deemed necessary, such as to conduct a hearing that protects the rights of all parties.

A. Restorative Resolutions Process

The Student Conduct Officer may propose resolving allegations against a Respondent through a non-disciplinary Restorative Resolution Process. Additionally, with approval from the Student Conduct Officer, other entities on campus may refer Students to the Dean of Students Office Restorative Resolution Process.

Under a Restorative Resolutions Process, a Student may bypass formal investigation and disciplinary action when their behavior may violate the Student Code of Conduct or other University policy. Examples of Restorative Resolution Processes may include but are not limited to conflict coaching, mediation, and restorative justice.

The use of the Restorative Resolution Process as an appropriate method of resolution requires the recommendation of the Student Conduct Officer, based on the facts and circumstances of the case as well as staffing and other business needs. The nature of some situations, such as those involving power imbalances, serious violence, or repeated problematic behavior are not appropriate or permitted through the Restorative Resolution Process.

Participation in a Restorative Resolution Process must also be mutually agreed upon and voluntary for all parties and may or may not result in agreement or resolution.

If resolution is reached through a Restorative Resolution Process, the situation is considered resolved. Any agreement or resolution is binding and not subject to appeal. Failure to abide by the agreement or resolution may result in disciplinary action.

If resolution is not reached, allegations against the Respondent will be resolved through the Student Code of Conduct pursuant to these disciplinary procedures or otherwise referred to the University entity or official most appropriate to handle the matter.

B. Notice of Allegations and Investigation & Pre-Hearing Meeting

To initiate the disciplinary process and official investigation, the Student Conduct Officer shall send a Notice of Allegations and Investigation to the Respondent. The Notice of Allegations and Investigation shall contain a written summary of the allegations, what sections of the Code of Conduct the Respondent is alleged to have violated, and information for a pre-hearing meeting.

The Pre-Hearing Meeting is vital to the investigation and hearing process. During the Pre-Hearing Meeting, the Student Conduct Officer will review the allegations and the investigation and disciplinary process with the Respondent. The Student Conduct Officer will review with the Respondent the available hearing options, which are described below in section IX. The matter will proceed with an Administrative Hearing where separation from the learning environment will not be considered as a potential sanction outcome should the Respondent be found responsible for the alleged violations. The Respondent has the option to choose between Administrative or Formal Hearing if suspension, expulsion, ban from campus, or outcome which results in a significant interruption toward degree completion may be considered as a potential sanction if the Respondent were to be found responsible for the alleged violations. If the Respondent does not attend the Pre-Hearing Meeting to consult with the Student Conduct Officer regarding the hearing options or does not select a hearing preference, the Student Conduct Officer will determine which of the hearing options will be utilized to resolve the matter.

C. Outcome Agreement Conference

An Outcome Agreement Conference may be held if, after the Pre-Hearing Meeting, the Respondent does not dispute the allegations and wishes to take responsibility for violating the Student Code of Conduct.

If a Respondent wishes to hold an Outcome Agreement Conference, the Student Conduct Officer will prepare an Outcome Agreement containing the proposed findings of Code of Conduct violations and the proposed sanction outcomes. The Respondent may not present Evidence or Witnesses during the Outcome Agreement Conference. If the Respondent agrees to the terms of the Outcome Agreement, the Respondent will sign the document and will be required to complete all sanctions therein. A signed Outcome Agreement will constitute a waiver by the Respondent of the right to an Administrative or Formal Hearing as well as any appeal, and an acceptance of the findings and sanction. Failure to fulfill the terms of the Outcome Agreement may lead to additional disciplinary action for the Respondent.

If the Respondent does not agree to the terms of the Outcome Agreement, the matter will proceed with either an Administrative or Formal Hearing, in accordance with section IX below.

D. Designation to Office of Compliance, Ethics and Equal Opportunity

In matters involving allegations of Code of Conduct violations related to University Administrative Policy 2720 or University Administrative Policy 2740, the Dean of Students may designate the Office of Compliance, Ethics and Equal Opportunity to perform the Code of Conduct investigation and hearing process pursuant to the procedures adopted by their office.

E. Investigation Report

Prior to the Administrative or Formal Hearing, the Student Conduct Officer will perform an investigation and prepare an investigation report. The investigation is a neutral Evidence gathering process during which the Student Conduct Officer gathers Evidence from the Respondent; Complainant, if applicable; Witnesses; and from any other source with relevant information that the Student Conduct Officer determines may be useful or relevant to the investigation. The parties may provide the Student Conduct Officer with documentation to review and Witnesses to contact. With regards to Witnesses, the parties must provide the Student Conduct Officer with contact information and expected testimony of any Witnesses for them to be contacted. The Student Conduct Officer may decline to contact suggested Witnesses if the Student Conduct Officer determines that the expected testimony is not sufficiently relevant to the allegations, would be duplicative of other testimony, or would otherwise not be significantly helpful to the review and determination of the allegations.

At the conclusion of the investigation, the Student Conduct Officer shall draft an Investigation Report containing the Evidence gathered in the investigation.

A party may not present additional Evidence at an Administrative or Formal Hearing that they did not present to the Student Conduct Officer during the investigation. Exceptions shall be considered by the Hearing Officer for Good Cause. Good Cause is limited to (1) Evidence requested by the Hearing Officer, (2) Evidence of which the party was not previously aware, that the party could not have possibly discovered through the exercise of reasonable diligence, and the absence of which would be sufficient to materially affect the outcome of the matter, or (3) relevant Evidence submitted to rebut information in the Investigation Report, and the absence of which would be sufficient to materially affect the outcome of the matter.

The University does not have the power to compel a person's participation in the investigation or hearing process, nor does it have subpoena powers to obtain documents or other relevant Evidence. As a result, the Hearing Officer may reach a decision without the opportunity to consider a party's or Witness' testimony, or other relevant Evidence. For individuals affiliated with the University, the Student Conduct Officer and/or Hearing Officer will make reasonable attempts to secure the participation. However, a party or Witness' non-participation in the investigation or hearing will not prevent the Hearing Officer from reaching a determination in a case. The Hearing Officer shall decide the allegations based upon all the Evidence available.

IX. Hearings

The Dean of Students Office shall resolve contested allegations of Code of Conduct violations through either an Administrative or Formal Hearing process, as described below. Which hearing process will be utilized is determined via the process described in section VII (B) above.

A. Administrative Hearing

The Administrative Hearing is a hearing between the Respondent and Hearing Officer to discuss the alleged violations. The Hearing Officer for an Administrative Hearing shall be the Student Conduct Officer.

No less than five (5) days before the hearing, the Hearing Officer shall send to the Respondent the Investigation Report.

The Administrative Hearing allows the Respondent to confront the Evidence in the Investigation Report and to present arguments for consideration by the Hearing Officer. The Hearing Officer may ask the Respondent any questions deemed relevant to determining the findings and/or sanctions, if applicable.

Within three (3) weeks of the Administrative Hearing, the Hearing Officer shall send the Respondent written notice of the findings and the reasoning therefor. If the Respondent has been found responsible for violating the Student Code of Conduct, the written notice shall contain the sanctions imposed for the violation(s).

B. Formal Hearing

The Formal Hearing is a live hearing before a Hearing Officer to discuss alleged violations, present arguments, and question parties and Witnesses. In most matters, the Hearing Officer for Formal Hearings will be the University's Administrative Hearing Officer. Formal Hearings shall be recorded by the University.

No less than seven (7) days before the Formal Hearing, the Student Conduct Officer shall send the Investigation Report to all parties, including the Hearing Officer.

The Formal Hearing shall follow those procedures adopted by the Hearing Officer as modified if necessary to comply with all provisions in this procedure. The Student Conduct Officer may be called to the Hearing to attest to any questions regarding the Investigation Report.

The Hearing Officer shall determine responsibility for the alleged violations of the Student Code of Conduct. If the Respondent is found responsible for violating the Code of Conduct, the Respondent will be subject to sanctioning, pursuant to section X below.

A decision for Formal Hearings shall be issued in the manner and timeline as delineated in those procedures adopted by the Hearing Officer.

X. Sanctioning

The Student Conduct Officer shall issue a sanction in all matters where a Respondent has been found responsible for violating the Code of Conduct pursuant to these procedures. Additionally, the Student Conduct Officer shall issue a sanction in all matters properly referred to the Dean of Students Office where a Student Respondent has been found responsible for violating the University's policies on civil rights or discrimination, to include University Administrative Policy 2720 and University Administrative Policy 2740. Branch campus, HSC, and School of Law Students shall be sanctioned by the appropriate University Official as outlined in the procedures of those programs.

No sanction shall be issued in matters where a Respondent was found not responsible for violating the Code of Conduct or other University policy.

To the extent practicable, all hearing decisions where a Respondent has been found responsible for a Code of Conduct or other University policy violation should contain both a written description of the responsibility finding rationale as well as a description of the

sanctions issued. This simultaneous notification of responsibility and sanction outcome may not be always be possible where the Hearing Officer is not the Student Conduct Officer

For matters where the Student Conduct Officer is not the Hearing Officer in the matter, such as in Formal Hearings or in cases decided through the Office of Compliance, Ethics and Equal Opportunity process, the Student Conduct Officer will either draft the sanction outcome for the Hearing Officer to include in the Hearing Officer's written decision or will issue a sanction within five (5) days of the issuance of the Hearing Officer's written decision. Prior to determining a sanction, the Student Conduct Officer will review the Hearing Officer's decision and rationale on responsibility as well as all Evidence in the matter. The Student Conduct Officer may sit in on the Formal Hearing to expedite this review process. Should the Student Conduct Officer be unavailable to sit in on the Formal Hearing, the Student Conduct Officer will review the hearing recording and all Evidence, or the Dean of Students may designate the Administrative Hearing Officer to determine the appropriate sanction.

In any matter where the Dean of Students designates the Administrative Hearing Officer (who is not the Student Conduct Officer) to decide the appropriate sanction, the Administrative Hearing Officer shall consult with the Student Conduct Officer prior to issuing the sanction, unless the Student Conduct Officer was found to have a conflict of interest in the matter. If such conflict of interest exists, the Administrative Hearing Officer shall consult with the Dean of Students prior to issuing the sanction.

Sanctions shall be set based upon numerous factors, including but not limited to the severity of the offense, the amount of harm created, the Student's prior disciplinary record, and sanctions imposed in recent years for similar offenses. In determining sanctions, the Student Conduct Officer should assess each case individually and use professional judgment when weighing facts as well as aggravating or mitigating factors that may exist to determine the most appropriate sanctioning for the development of the Student and the common good and safety of the University community.

In matters involving Title IX, the Student Conduct Officer shall consult with the Title IX Coordinator prior to issuing a sanction to ensure compliance with Title IX.

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

If a Student fails to timely and successfully complete a sanction requirement, they may be subject to additional disciplinary action in accordance with this procedure. A registration hold may also be placed at the discretion of the Student Conduct Officer where a Student fails to complete a sanction requirement by the deadline. In such cases, the registration hold will be lifted after the Student successfully completes the sanction requirement.

XI. Appeals

Decisions of the Student Conduct Officer regarding Code of Conduct violations or sanctions are final, unless the sanction imposed on the Respondent is suspension, expulsion or

banning from campus or results in a significant interruption toward degree completion. Decisions of the Student Conduct Officer regarding discrimination claims under University Administrative Policy 2720 or University Administrative Policy 2740 may be appealed no matter the level of sanction. In cases involving discrimination that related to sexual harassment, sexual misconduct, or sexual violence, the decision may be appealed by either the Respondent or Complainant.

Below are the available appeals.

A. Appeals for Code of Conduct Violations

1. Appeal to Vice President of Student Affairs

The decision on sanctions pertaining to Respondents made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The Respondent must submit a written request for appeal to the Vice President for Student Affairs within seven (7) days of the date of the written decision from the Dean of Students.

The grounds for appeal to the Vice President of Student Affairs are that: 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.

The Vice President for Student Affairs will send written notification of the decision to the appealing party within seven (7) days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

2. Discretionary Appeal to President

The President has the discretionary authority to review the decision of the VP for Student Affairs. A request for a review by the President shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven (7) days of the date of the written decision from the last reviewer.

3. Discretionary Appeal to Board of Regents

In accordance with Regent Policy 1.5, Students may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered." A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven (7) days of the date of the written decision from the last reviewer.

B. Appeals for University Administrative Policy 2720 or University Administrative Policy 2740

1. Appeal to the President

The student may appeal the Hearing Officer's finding and, if applicable the Dean of Students' sanction. If a Student wishes to appeal both the Hearing Officer's determination and the imposed sanction, the appeals must be filed at the same time; separate appeals will not be permitted.

The appeal must be in writing and contain a statement specifying what action(s) is/are being appealed and the grounds for appeal. The request for appeal must be received at the Office of the President within seven (7) days of the date of the written decision from either the Hearing Officer or the Office of the Dean of Students, whichever is later.

Refer to the CEEO Discrimination Grievance Procedures for allowable grounds and procedures for appeal of the Hearing Officer's determination. 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: 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.

The Hearing Officer's determination and/or the sanctioning decision in cases involving discrimination that are not related to sexual harassment, sexual misconduct, or sexual violence. may be appealed only by the sanctioned Student. However, the Hearing Officer's determination and/or a sanctioning decision in cases involving sexual discrimination, sexual harassment, sexual misconduct, or sexual violence may be appealed by either the sanctioned Student or Complainant.

2. Discretionary Appeal to the Board of Regents

In accordance with Regent Policy 1.5, Students affected by a decision of the administration, faculty, Student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by the Board of Regents shall be made in writing and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven (7) days of the date of the written decision from the last reviewer.

XII. Student Conduct Records

Records regarding Student conduct shall be kept in the Dean of Students Office for a period of ten (10) years after final disposition, except for records of suspensions or expulsions which shall be permanently maintained. Copies of the final decision in an academic dishonesty case shall be sent to the faculty member.

Other entities on campus may hold Student conduct records in addition to the Dean of Students Office. These entities may include but are not limited to Residence Life & Student Housing, the Office of Compliance, Ethics and Equal Opportunity, HSC programs, and the School of Law.

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

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

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

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

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

Campus Resources for Students:

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

Student Health and Counseling (Counseling Services) - 277-3136

Campus Office of Substance Abuse Prevention - 277-2795

Other Campus and Community Resources:

AGORA Crisis Center – 505-277-3013

NM Council on Alcoholism and Drug Dependence - 505- 256-8300

(for intervention services and information on community treatment resources and recovery groups, e.g., AA, ACOA, Al-Anon, Rational Recovery, Women for Sobriety)

Suicide Prevention Emergency Service (24 hours) – 505-247-1121

University Hospital Emergency Dept. – 505-272-2411

UNM Center on Alcoholism, Substance Abuse and Addictions (CASAA) – 505-925-2300

UNM Department of Psychology Clinic – 505-277-5164
UNM Employee Health Promotion Program – 505-272-4460
UNM Employee Occupational Health Services – 505-272-2517
UNM Mental Health Center, Crisis Unit – 505-272-2800
UNM Women’s Resource Center – 505-277-3716

SEX OFFENDER REGISTRATION

In accordance with the Campus Sex Crimes Prevention Act of 2000 (CSPA), the UNM-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!"