



# The University of New Mexico - Valencia Workforce Training Center (WTC) **2025 Annual Security Report**

Crime Statistics for Calendar Years 2024, 2023 & 2022 and  
Policy Statements for the 2025-2026 Academic Year



*Prepared by the UNM-Valencia Police Department in Compliance with the Jeanne Clery  
Campus Safety Act and University Administrative Policy 2745: Clery Act Compliance*

October 1, 2025

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Act and University Administrative Policy 2745: Clery Act Compliance

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## About the Annual Security Report (ASR)

In 1990, Congress passed the Crime Awareness and Campus Security Act (CACSA) amendments to the Higher Education Act of 1965 (HEA). Amendments to CACSA in 1998 renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in memory of a student who was sexually assaulted and murdered in her dorm room. In 2013, Congress reauthorized the [1994 Violence Against Women Act \(VAWA\)](#) and in doing so, made amendments to the Clery Act. Congress's [2024 Stop Campus Hazing Act](#) further amended the Clery Act and renamed it the [Jeanne Clery Campus Safety Act](#). [University Administrative Policy \(UAP\) 2745: Clery Act Compliance](#) dictates UNM's compliance functions related to Clery.

The ASR is published and distributed to all current faculty, staff, and students by UNM e-mail, posted to the [UNM-Valencia Police Department](#) (UNMVPD) website for all prospective students and employees and the general public each year. It is also available in print upon request by contacting the UNM-Valencia Police Department at [505-925-8570](#) or in person at the Student Center.

### *How UNM-V WTC Prepares the ASR*

Each year, the Clery Liaison within the UNM-Valencia Police Department prepares, under the guidance of the Clery Coordinator on Main Campus, the ASR for UNM-V's Workforce Training Center (WTC) Campus. The annual review of the following is used to put together UNM-Valencia's ASR:

- A review of applicable policies that are required as part of the ASR.
- 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 at UNM-Valencia.
- A reconciliation and review of the Crime Statistics that are required to be entered as part of the ASR.

## Campus Law Enforcement

### *The UNM-V Police Department*

The [University of New Mexico-Valencia Police Department \(UNMVPD\)](#), located within the Student Center on the main Valencia Campus, employs approximately six sworn Officers in addition to a small number of civilian support staff.

All UNMVPD Officers meet all state certification standards mandated by the New Mexico Department of Public Safety and are commissioned by the UNM Board of Regents (Section 29-5-2 NMSA 1978) and the Valencia County Sheriff's Office.

UNMVPD is open 24 hours a day, seven days a week, 365 days a year to respond to the needs of the UNMVPD community.



#### UNM-Valencia Police Department

505-925-8570

Student Center

280 La Entrada Rd

Los Lunas, NM 87031

#### *Authority & Jurisdiction*

They have full power of peace officers on campus, which includes the authority to enforce all applicable laws and campus traffic regulations, as well as the authority to arrest. Officers investigate complaints of criminal activity on campus, partner with other police agencies to solve them, and work closely with their respective District Attorney's Office to ensure effective prosecution.



#### *Working Relationship of Campus Police with State and Local Police*

Currently, there are no MOUs or other written agreements between UNMVPD and state or local police.

## Security of and Access to Campus Facilities

#### *Academic and Other Campus Buildings*

The building on UNM-V's WTC Campus is generally open during regular business hours, when classes are in session, and for special events. However, as part of our safe campus initiatives, building access is limited after hours. Access to the building after regular business hours is only granted to those with key or card access to the respective building. Persons authorized to remain in the building after hours must always have proper identification on them. Between two access control platforms, UNM-Valencia restricts building access to only those who have a need to be in the building.

UNM-Valencia Police Officers conduct frequent internal and external checks of all buildings on campus and regularly conduct foot, bicycle, and vehicle patrols.

UNM-Valencia also operates a computerized intrusion and fire alarm system to monitor most facilities and

to enhance personal, property, and building safety and security throughout the year. UNM-Valencia PD utilizes closed-circuit television (CCTV) to monitor various buildings and areas on campus.

### *Security Considerations Used in the Maintenance of Campus Facilities*

Key UNM-V personnel, including members of UNMVPD, provide input on new buildings and other campus projects involving security and safety considerations on campus.

Members of the University community are also encouraged to report safety and security concerns they observe on campus to [Business Services](#) and can submit work order requests year-round by on the [Physical Plant Services](#) website.

### *Monitoring and Reporting of Criminal Activity at Noncampus Locations of Officially Recognized Student Organizations*

UNM-Valencia WTC does not have any officially recognized student organizations with noncampus locations.

## **Reporting Criminal Activity**

UNM encourages accurate and prompt reporting of all crimes to the UNM-V Police and other local, state, and tribal police agencies when the victim of a crime elects to, or is unable to, make such a report.

### *How to Report Criminal Activity*

The following is a list of offices and individuals to whom students and employees should report crimes for the purposes of timely warning reports, daily crime log entries, and UNM's annual statistical disclosure.

### **Campus Security Authorities (CSAs) at UNM-V WTC**

As required by the Clery Act, UNM-V designates certain employees as "[Campus Security Authorities](#)", or "CSAs". CSAs have an obligation to report any crimes that are reported directly to them or that they personally witness to the UNM Police Department (UNMPD) and/or the Clery Liaison in a manner that is accurate and prompt.

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. Timely CSA reports help the University meet our obligations under the Clery Act as well as other areas of compliance, such as Title IX.

The CSA's role is never to investigate crimes, detain subjects, or substantiate a report of a crime.

- CSAs fall into one or more of four categories:
- Members of UNMVPD.
- Individuals responsible for security functions on campus but are not members of UNMVPD (for instance, employees monitoring access into a UNM-V event).
- Individuals and organizations specified in this section as places to which students and employees should report crimes, such as:
- University officials who have significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.

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.

Individuals acting in a pastoral and clinical counselor capacity are exempt from CSA designation. Currently, UNM does not have any specific procedures in place to encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, these individuals receive information on how to provide victims of sexual assault, domestic violence, dating violence, and stalking with [A Survivor's Guide to Rights & Options at UNM](#) which outlines various options for reporting.

### Officially Designated Reporting Sites

The following offices have been officially designated by UNM-V as preferred places students and employees at the WTC Campus can and should report crimes or obtain assistance in reporting to law enforcement.

#### **Director of Enrollment Management and Student Success**

Armando Antonio Bustamante  
505.925.8560 | [abustam1@unm.edu](mailto:abustam1@unm.edu)  
Admin, Rm 103D

#### **Director of Business Operations**

Richard Goshorn  
505.925.8508 | [rgoshorn@unm.edu](mailto:rgoshorn@unm.edu)  
Admin, Rm 185

#### **Dean of Instruction**

Dr. Laura Musselwhite  
505.925.8600 | [lmusselwhite@unm.edu](mailto:lmusselwhite@unm.edu)  
Arts and Sciences, Rm 114

#### **Office of Compliance, Ethics & Equal Opportunity (CEEO)**

505-277-5251 | [ceeo@unm.edu](mailto:ceeo@unm.edu)  
609 Buena Vista Rd NE (Bldg 42)  
Albuquerque, NM 87131

#### **Dean of Students Office (DOSO)**

505-277-3361 | [doso@unm.edu](mailto:doso@unm.edu)  
University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NW, Rm 281  
Albuquerque, NM 87131

**Office of the Provost**

505-277-2611 | [provost@unm.edu](mailto:provost@unm.edu)  
Scholes Hall, 3rd Flr (Bldg 10)  
Albuquerque, NM 87131

## Reporting Crimes on a Voluntary, Confidential Basis

The following list contains information about where victims or witnesses to a crime can make a report of a crime or other misconduct on a voluntarily, confidential basis for inclusion in the annual disclosure of crime statistics. When information about a crime is received through these avenues, the Clery Liaison at UNM-V is made aware and uses the information the reporter provides to determine whether it meets the criteria for including it as a Clery Act-reportable crime in UNM-V's annual disclosure or in a timely warning.

**UNMVPD**

Dispatch: 505-925-8570  
Individuals can make anonymous calls to this phone number, to report any type of crime.

**UNMPD (Main Campus)**

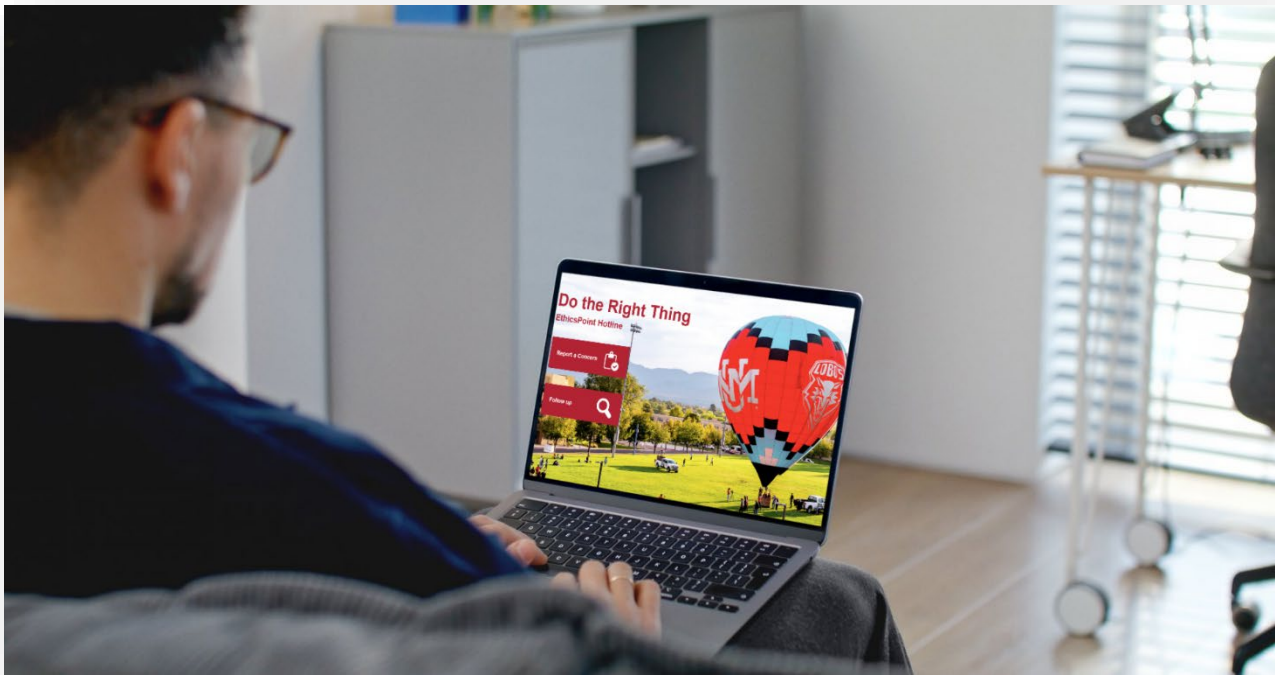
[Anonymous Tip or Incident Form](#)  
Dispatch: 505-277-2241  
Individuals can make anonymous calls to this phone number, to report any type of crime.

**LoboGuardian App**

Any member of the UNM community may also report an anonymous tip to UNMPD through the [LoboGuardian application](#) on their smart phone. To access the application, search and download the Rave Guardian application in the Apple App Store or the Google Play app store. Users can find more assistance for downloading this application through UNM [FastInfo](#).

**EthicsPoint Online Report Form**

[Online Report Form](#)  
24/7 Compliance hotline: 1-888-899-6092



### Confidential Support Sites

UNM recognizes that some individuals may want to speak with someone anonymously about their reporting options and access to support before deciding whether to report the incident. As outlined in Section 3 of [UAP 2740: Sex Discrimination Including Sexual Misconduct](#), the UNM Title IX Coordinator addresses this need by designating certain employees on campus as confidential and exempt from mandatory Title IX reporting obligations.

Confidential employees are the sites listed below provide safe and welcoming environments on campus and are trained to help you decide how to move forward in a direction of your choosing.

Information you provide to a confidential employee does not generate a formal report, however, they can help you make a report to law enforcement and/or the UNM administration should you wish to report to either one. UNM encourages students to consult with a confidential support center on campus who can guide you through your options.

Confidential employees are, however, designated CSAs and must promptly report the nature, date, and general location of any Clery-related incident to the Clery Coordinator for timely warning and statistical reporting purposes. Additionally, while staff members at these sites are not required to provide any identifying information of an individual who utilizes their services to the Title IX Coordinator, they are not prohibited from doing so and do not need a victim's permission to do so when making a CSA report to the Clery Coordinator.

**LoboRESPECT Advocacy Center (LRAC)**

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)

✓Undergraduate students ✓Graduate students

**Dean of Students (DOSO) Social Work Program**

University Advisement and Enrichment Center (Bldg 85), Rm 281

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-3361

**Women's Resource Center (WRC)**

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 1160

Albuquerque, NM 87106

505-277-3716 | [women@unm.edu](mailto:women@unm.edu)

✓Undergraduate students ✓Graduate students

**LGBTQ Resource Center**

919 Las Lomas NE (Bldg 168)

Albuquerque, NM 87131

505-277-5428 | [lgbtqrc@unm.edu](mailto:lgbtqrc@unm.edu)

✓Undergraduate students ✓Graduate students ✓Employees

**Ombuds Services**

1800 Las Lomas Blvd NE (Bldg 29)

Albuquerque, NM 87106

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

505-277-2993 | [ombuds@unm.edu](mailto:ombuds@unm.edu)

✓Graduate students ✓Employees

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

1800 Mesa Vista Rd NE (Bldg 184)

Albuquerque, NM 87106

505-277-3136 | [cars@unm.edu](mailto:cars@unm.edu)

✓Employees

## Clery Act Crimes

### *Clery Act-Reportable Crimes*

Not all reports of crime that are made to the University or local law enforcement are reflected in the annual disclosure of crime statistics. The Clery Coordinator and UNMPD evaluate each report of crime to determine whether it meets three criteria. Only reports that

- meet the definition of a Clery Act offense,
- occurred within UNM's Clery Act geography, and
- were reported to a CSA

get classified as Clery Act crime statistics and are included in the ASR.

### *Clery Act Offenses*

Clery Act offenses are organized into five main categories: "primary" offenses, hate crimes, Violence Against Women Act (VAWA) offenses, arrests and referrals for disciplinary action, hazing, and unfounded crimes. The definitions of Clery Act crimes are derived from federal sources and do not always align with New Mexico state law. Attempts for all crimes listed are included, and one incident may involve multiple offenses.

#### "Primary Offenses"

The definitions of primary offenses come from the FBI's Uniform Crime Reporting (UCR) Program [Summary Reporting System \(SRS\) User Manual](#) and [National Incident-Based Reporting System \(NIBRS\) User Manual](#).

#### **Murder/Non-negligent Manslaughter**

The willful (non-negligent) killing of one human being by another.

#### **Manslaughter by Negligence**

The killing of another person through gross negligence.

#### **Rape**

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

#### **Fondling**

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

**Incest**

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

**Statutory Rape**

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

**Robbery**

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**

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**

The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. For the purposes of this definition, a “motor vehicle” is any self-propelled vehicle that runs on land surface and not on rails, for example, sport utility vehicles, automobiles, trucks, buses, motorcycles, mopeds, electric scooters, electric bikes, all-terrain vehicles, and snowmobiles. This category does not include farm equipment, bulldozers, airplanes, construction equipment, or water craft (motorboats, sailboats, houseboats, or jet skis).

**Arson**

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.

**Hate Crimes**

The definitions of hate crimes come from the FBI’s [Uniform Crime Reporting \(UCR\) Program Hate Crime Data Collection Guidelines and Training Manual](#).

**Any of the offenses listed in the primary offenses category above.**

**Larceny-theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive

possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### **Destruction/Damage/Vandalism to Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Hate Crime Bias Categories**

The definitions of hate crime bias categories come from the FBI's [Uniform Crime Reporting \(UCR\) Program Hate Crime Data Collection Guidelines and Training Manual](#).

### **Race**

A preformed negative attitude toward a group of persons who possess common physical characteristics, such as color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (for example: Asians, blacks or African Americans, whites).

### **Gender**

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (for example: male or female).

### **Gender Identity**

A performed negative opinion or attitude towards a person or group of persons based on their actual or perceive gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society (for example: a woman dressed in traditionally male clothing or a man wearing makeup). A gender non-conforming person may or may not be a lesbian, gay bisexual, or transgender person but may be perceived as such.

**Religion**

A performed negative opinion or attitude towards a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (for example: Catholics, Jews, Protestants, atheists).

**Sexual Orientation**

A performed negative opinion or attitude towards a person or group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Ethnicity**

A performed negative opinion or attitude towards a person or group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

**National Origin**

A performed negative opinion or attitude towards a person or group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

**Disability**

A performed negative opinion or attitude towards a person or group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

**Violence Against Women Act (VAWA) Offenses**

The definitions of VAWA offenses come from the [Violence Against Women Act \(VAWA\) of 1994](#).

**Domestic Violence**

A felony or misdemeanor crime of violence committed —

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate

partner;

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### Dating Violence

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

### Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

For the purposes of this definition—

- "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### Arrests & Referrals for Disciplinary Action

The definitions of arrests and referrals come from the FBI's [Uniform Crime Reporting \(UCR\) Program Summary Reporting System \(SRS\) User Manual](#).

An "**arrest**" for Clery Act purposes is defined as persons processed by arrest, citation, or summons for violating any of the weapons, drugs, or liquor laws defined below.

A "**referral for disciplinary action**" is defined for Clery Act purposes as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction as a result of violating any of the weapons, drugs, or liquor laws defined below. A finding of responsibility is not required for a report to be classified as a referral for disciplinary action.

### **Weapons Law Violation**

The violation of laws or ordinances prohibiting the manufacture, sale, purchasing, transportation, possession, concealment, or use of firearms, or deadly weapons; cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

### **Drug Abuse Violation**

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and or/use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics— manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

### **Liquor Law Violation**

The violation of State or local laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.

### **Hazing**

The definitions of hazing and student organization come from the [Stop Campus Hazing Act](#).

#### **Hazing**

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's

body, or similar activity;

- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

### **Student Organization**

An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.



### **Unfounded Crimes**

An unfounded crime is a reported crime that, upon investigation by law enforcement authorities, is found to be false or baseless. Only sworn or commissioned law enforcement personnel may unfound a crime. The recovery of stolen property, the low value of stolen property, the refusal of a victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

## *Clery Act Geography*

### On Campus

On Campus geography includes any property or building that is

- owned or controlled by UNM-V within the same reasonably contiguous geographic area and used in direct support of, or in a manner related to, educational purposes, or
- within or reasonably contiguous to the area of campus, that is UNM-owned but controlled by another person, is frequently used by students, and supports institutional purposes (such as retail or food establishments).

Examples of on campus locations include the Workforce Training Center facility and surrounding, UNM-controlled grounds such as the parking area.

### Noncampus

Noncampus geography comprises those properties and buildings that are

- owned or controlled by a student organization officially recognized by UNM or owned or controlled by UNM and is used in direct support of, or in relation to, the institution's educational purposes,
- frequently used by students, and
- not within the same reasonably contiguous geographic area of campus.

Examples of noncampus locations include places where the UNM-V WTC regularly offers off-campus courses and off-site venues where UNM-V students stay or study for more than one night or on a recurring basis.

### Public Property

For the purposes of Clery Act crime reporting, public property is considered any property that is situated within the same reasonably contiguous geographic area of, within, or adjacent to the UNM-V WTC campus that is

- publicly and not privately owned,
- adjacent to a facility owned or controlled by UNM-V WTC if the facility is used by UNM-V in direct support of, or in a manner related to, UNM's educational purposes, and
- accessible from campus (that is, unrestricted by a barrier such as a fence or roadway).

Public property at UNM-V WTC is the stretch of Huning Ranch E Lp SW that runs adjacent to Campus, as well as the public rights-of-way on either side.

## *How the UNM-V WTC Collects Clery Act Crime Statistics*

### UNM-V Police Reports

Officers provide reports they receive directly to the Clery Liaison within UNMVPD on a rolling basis, who then assesses each one for classifying it as a Clery Act-reportable crime.

### Reports from External Law Enforcement Agencies

To gather information on incidents occurring on noncampus Clery geography properties within the City of Los Lunas and elsewhere, UNMVPD conducts direct outreach to the local law enforcement agencies that have jurisdiction over the locations where the University controls space by some sort of written agreement. The Clery Liaison makes a good-faith effort to obtain the statistics by requesting them, in writing, from such law enforcement agencies. The Clery Liaison relies on the information obtained from these sources but is not responsible if the information provided is inaccurate or omitted altogether.

The Clery Liaison also makes a good-faith effort to gather information about crime reports made at properties within UNM's public property Clery geography from the Los Lunas Police Department (LLPD). The Clery Liaison relies on the information obtained from LLPD but is not responsible if the information provided is inaccurate or omitted altogether.

### Campus Security Authority (CSA) Reports

UNM-V's Campus Security Authorities (CSAs) are responsible for providing information to the Clery Liaison within UNMVPD about crimes reported to them or that they personally witness within a timely and accurate manner for the purposes of annual crime statistics disclosures, the daily crime log, and timely warning. In addition to receiving their reports on a rolling basis, the Clery Liaison surveys CSAs on an annual basis prior to finalizing the annual crime statistics to give them an additional opportunity to submit any crimes that were reported to them during the previous calendar year. CSAs must complete and return the survey form as directed.

### Timely Warning (Lobo Advisory)

When a Clery Act crime is committed within the UNM-Valencia WTC's Clery geography and the situation poses a serious or continuing threat, the Director of Business Operations, UNM-Valencia PD Lieutenant, or the Marketing Manager will issue a timely warning (Lobo Advisory) to promote safety and aid in the prevention of similar crimes on campus. The Lobo Advisory includes 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 (Lobo Advisory), an incident must:

- Involve a Clery Act crime;
- Occur within UNM-V WTC's Clery Geography;
- 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 the UNM-V WTC.

Any individual who receives a report and determines through a preliminary assessment that at the very least, the first three requirements above have been met, they will notify the Director of Business Operations or UNM-Valencia PD Lieutenant to initiate the timely warning process. Ideally, the determination of a "serious or continuing threat" is made between the Director of Business Operations and the UNM-Valencia PD Lieutenant using a pre-determined decision-making matrix. However, each has the ability to make that determination unilaterally so as not to cause additional delay.

The Director of Business Operations, Lieutenant, and/or the Marketing Manager begins developing timely warning language using pre-drafted language and bases the remainder of the content on what type of incident occurred, the context, level of urgency, and how the situation evolves.

The Director of Business Operations, Lieutenant, and/or the Marketing Manager then issues the Lobo Advisory using the UNM LoboAlerts system, which includes an initial text alert sent out to all members of campus who have not opted out of receiving the text, followed by an email notification to all individuals who have a unm.edu email address.

Members of the larger community who have signed up through the [LoboAlerts Community Site](#) also receive text messages. The Marketing Manager will also notify, as appropriate, the local news media and social media to inform the community outside of UNM.

The institution is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor.

### *Enrollment in 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 [loboalerts.unm.edu](http://loboalerts.unm.edu). Community members can sign up for Lobo Alerts by going to [www.getrave.com/login/unmcommunity](http://www.getrave.com/login/unmcommunity).

## Annual Disclosure of Crime Statistics

|                                          | On Campus |      |      | Non-Campus |      |      | Public Property |      |      |
|------------------------------------------|-----------|------|------|------------|------|------|-----------------|------|------|
|                                          | 2022      | 2023 | 2024 | 2022       | 2023 | 2024 | 2022            | 2023 | 2024 |
| <b>Primary Offenses</b>                  |           |      |      |            |      |      |                 |      |      |
| <b>Murder/Non-Negligent Manslaughter</b> | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Manslaughter by Negligence</b>        | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Rape</b>                              | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Fondling</b>                          | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Incest</b>                            | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Statutory Rape</b>                    | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Robbery</b>                           | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Aggravated Assault</b>                | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Burglary</b>                          | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Motor Vehicle Theft</b>               | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Arson</b>                             | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>VAWA Offenses</b>                     |           |      |      |            |      |      |                 |      |      |
| <b>Dating Violence</b>                   | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Domestic Violence</b>                 | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Stalking</b>                          | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Arrests</b>                           |           |      |      |            |      |      |                 |      |      |
| <b>Liquor Law Arrests</b>                | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Drug Arrests</b>                      | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Illegal Weapons Arrests</b>           | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Referrals for Disciplinary Action</b> |           |      |      |            |      |      |                 |      |      |
| <b>Liquor Law Referrals</b>              | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Drug Law Referrals</b>                | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Weapons Law Referrals</b>             | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |

### Hate Crimes:

There were no Clery Act-reportable crimes driven by bias reported in calendar year 2022.

There were no Clery Act-reportable crimes driven by bias reported in calendar year 2023.

There were no Clery Act-reportable crimes driven by bias reported in calendar year 2024.

### Unfounded Crimes:

No Clery Act-reportable crimes were unfounded in calendar year 2022.

No Clery Act-reportable crimes were unfounded in calendar year 2023.

No Clery Act-reportable crimes were unfounded in calendar year 2024.

## In the Event of an Emergency

### *If You Face an Emergency*

If you find yourself in an emergency or other dangerous situation:

- Make yourself safe.
- Warn others of the situation.
- Call for assistance. UNMPD is responsible for ALL incidents on campus. NEVER hesitate to contact them.

### *How to Report an Emergency*

Individuals who encounter an emergency situation should take immediate steps to protect themselves, notify nearby endangered people, and contact the [University of New Mexico-Valencia Police Department \(UNMVPD\)](#). UNMVPD Officers are available to respond to emergencies 24 hours a day, seven days a week, 365 days a year to the Workforce Training Center.

To reach UNMVPD in an emergency, dial 9-1-1 from a landline on campus or 505-925-8570. 9-1-1 calls made from a cell phone go straight to the Valencia County Emergency Communications Department and are quickly transferred to UNMPD Dispatch if they learn the incident is occurring on UNM-V property. The 9-1-1 system automatically traces the location of all incoming calls, which enables officers to respond even when a caller cannot provide their location.

UNM-Valencia encourages all members of the WTC Campus community to store UNMVPD's and local agencies' phone numbers as contacts in their mobile phones to have them readily available in the event of an emergency. UNMVPD's direct phone number is also provided on the back of all LoboCards.

#### **UNM-Valencia Police Department**

505-925-8570

Student Center

280 La Entrada Rd

Los Lunas, NM 87031

[valencia.unm.edu/campus-resources/campus-police/about-unmvpd](http://valencia.unm.edu/campus-resources/campus-police/about-unmvpd)

### *How the UNM-V WTC Prepares for an Emergency*

The WTC Campus has a number of specific policies and procedures to provide guidelines in order to ensure the safety of students, faculty, staff, and visitors whenever an emergency situation arises. Each emergency is different and will be handled differently according to the situation. UNM-V has in place duties and responsibilities that govern the handling of the following situations:

- Bomb threat
- Chemical incident response
- Fire evacuation
- Inclement weather
- Lockdown for hostage situation
- Medical response
- Suspicious packages

UNM conducts exercises of the campus emergency communications system annually. At that time, the LoboAlerts and webpage banners are deployed. These exercises are advertised in advance, as they tend to affect the surrounding community, and are publicized in conjunction with emergency response and evacuation procedures.

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.

### Before an Emergency Occurs

UNM-V encourages every member of its community to:

1. Learn the locations of:
  - Fire alarm pull stations and/or fire extinguishers.
  - Areas of refuge (specified areas designed to withstand the passage of smoke or fire for a required time).
  - Areas of rescue (specified areas where mobility impaired individuals can await rescue from emergency responders).
2. Learn evacuation routes from different areas of the building.
3. Develop a plan and specify a location where all occupants can meet away from the building to help ensure everyone is accounted for.
4. Reference the [Emergency Preparedness FlipChart](#) to familiarize yourself with the plans for your department and/or building.

### *Emergency Notification (Lobo Alerts)*

UNM-V will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

An emergency or dangerous situation may or may not involve a crime. Examples include:

- Shots fired
- Extreme weather conditions
- Armed intruder
- Suspect with a deadly weapon on or near campus
- Fire
- Gas leak
- Terrorist incident
- Bomb threat
- Explosion
- Hazardous material spill
- Train derailment
- Health-related outbreak
- Broad and credible threat of violence

When UNM-V WTC receives information about an imminent threat or dangerous situation occurring on or near campus, it will, without delay, and taking into account the safety of the 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.

A Dispatcher receiving a report of a potential emergency or threat will, with or without the assistance of Officers on duty, confirm the emergency by any of the following methods or another than is appropriate in the situation:

- Information received from a reputable agency, such as a government agency, public safety agency, or environmental intelligence agency, or another University office
- A report from a credible witness
- Multiple reports of the same threat received
- An Officer or other University official on scene who can verify the threat

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the Dispatcher will then activate the emergency notification system by notifying the Director of Business Operations.

The Director of Business Operations will decide which segment or segments of campus is or could be impacted by the emergency based on how contained the threat is and additional information they receive from Dispatch, Officers on scene, and external sources.

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 Director of Business Operations, UNMVPD Lieutenant, or Marketing Manager may (but is not required to) use the assistance of one another in crafting the wording of the messages which include the general location, nature of the threat, how much can be confirmed, and instructions to follow during and following the emergency, such as telling community members which area or areas to avoid or evacuate as well as when it is safe to return. The Director of Business Operations, UNMVPD Lieutenant, or the Marketing Manager then issues emergency notifications to both campus and the larger community until the threat subsides.

Depending on the available information, the initial message may inform people of where the incident that is occurring. If no specific location is provided, the entire campus should be considered the area at risk. Communication, including the use of cell phones, land line phones, and the internet, of a non-emergency nature, should be kept to a minimum during the event.

Once the incident has been resolved, an additional Lobo Alert message will be sent out to update the

incident status and provide further directions.

UNM-V WTC is not required to issue a timely warning based on the same circumstances for which it follows its emergency notification procedures. However, the University will provide adequate follow-up information to the community as needed.

### Methods of Lobo Alert Distribution

UNM-V issues emergency notifications and follow-up notifications in the form of “Lobo Alerts” via one or more of the following methods:

- Text message via the LoboAlerts notification system
- Annunciator loudspeaker
- Rave LoboGuardian app
- UNM-V email
- UNM social media
- Flyers, posters, or word of mouth for a targeted location
- UNM computer broadcast (UNM webpage banner)

Specific instructions will be given which can range from lockdown to evacuation. Building Coordinators, who receive advance training on how to assist in their respective areas, enhance the information and instructions by giving additional details and instructions via word of mouth or department-specific communications (such as instant messaging).



Below are examples of instructions that might be issued:

#### **PREPARE FOR LOCK DOWN**

DO NOT LEAVE THE CLASSROOM

DO NOT USE CELL PHONES

WAIT FOR BUILDING COORDINATOR INSTRUCTIONS

#### **PREPARE FOR EVACUATION**

DO NOT LEAVE THE CLASSROOM

DO NOT USE CELL PHONES  
WAIT FOR BUILDING COORDINATOR INSTRUCTIONS

**EVACUATE IMMEDIATELY**

EVERYONE PROCEED TO THE SOUTH PARKING LOT  
(PARKING LOT NEAREST THE STUDENT COMMUNITY CENTER)

**WEATHER ALERT**

DO NOT LEAVE THE BUILDING  
WAIT FOR BUILDING COORDINATOR INSTRUCTIONS

### Providing Notification to the Larger Community

Using the same procedures by which it issues information to the campus community, UNMVPD will use one or more of the following methods to disseminate emergency information and follow-up information to the larger community, such as parents, community members, and other non-UNM individuals:

- Text message via the LoboAlerts notification system
- UNM social media

Parents, community members, and other non-UNM individuals can opt in to the UNM LoboAlerts system to receive notifications and emergency communications by email and/or SMS text messages. To sign up, click on the "Register" button and follow the on-screen directions on the UNM Community Text site.

### *Evacuation Procedures*

If an evacuation is ordered:

1. Stop what you are doing and immediately proceed to the nearest exit.
2. Use stairs to evacuate above and below ground level.
3. Close doors behind you as you leave. If there is a fire or chemical release, this will help contain it within the enclosed area.
4. Provide assistance to customers, clients, patients or others who may need it.
5. Proceed as quickly as possible to the designated evacuation location for your building or department. UNM recommends that this be at least 100-150 feet away from the evacuated building.
6. Do not return or re-enter the building until you are given official authorization to do so.

## UNM Weapons Policy

### *Weapons Prohibited on Campus*

University Administrative Policy (UAP) 2210: Campus Violence dictates which weapons are prohibited and allowable on campus. For the purpose of this policy, “weapons” include firearms, ammunitions, or other implements that are designed or used to inflict bodily harm or physical threats or damage.

Other than the limited exceptions noted below, carrying weapons on University premises is prohibited. Note that providers of certain services on campus, such as Residence Life and Housing (RLSH) and UNM Hospitals, may have more restrictive policies on allowing weapons on their premises.

### *Limited Exceptions*

The limited exceptions to the prohibition on carrying weapons on University premises are for: Law enforcement officers and UNM Hospitals Security Officers, who may carry weapons in the performance of their authorized duties.

- ROTC students, who may carry inoperable weapons for the limited purpose of conducting required and supervised drills during ROTC activities.
- Members of the campus community who carry ordinary, small pocket knives that have a folded metal blade for self-defense or utility purposes.
- Members of the campus community who carry stun guns with a maximum amperage of five (5) milliamps and pepper spray (a/k/a oleoresin capsicum) in containers no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than 10 percent, for self-defense purposes. The University encourages anyone who carries a stun gun or pepper spray to learn how to use it, be aware of its limitations, and realize that it can be used against you in a physical confrontation. No other electro-shock weapons, such as TASERs, are authorized, except by law enforcement officers and UNM Hospitals Security Officers.
- Times at which, on a case-by-case basis, UNMPD may authorize the use of weapons for art projects or exhibitions, research, or other University business purposes.

With the foregoing exceptions, no person may carry or use a prohibited weapon on any University premises. If any person does carry weapons on campus, the person may be subject to appropriate disciplinary and/or criminal action.

### *Firearms*

Under [Section 30-7-2.4, NMSA 1978](#), it is illegal to carry a firearm on University premises. Firearms include any weapon that can expel a projectile by the action of an explosion, such as handguns, rifles, and shotguns.

## *Concealed Handgun Licenses*

Persons holding a valid concealed handgun license under the [New Mexico Concealed Handgun Carry Act](#), Section 29-19-1 et seq., NMSA 1978, or a valid comparable license under the law of any other state, are prohibited from carrying their handguns on University premises.

## **UNM's Policy on Alcohol & Illicit Drugs**

In compliance with the [Drug-Free Schools and Communities Act Amendments of 198 \(DFSCA\)](#), the University is committed to fostering an environment for the pursuit of its mission that is free of drugs and the illegal or inappropriate use of alcohol through its [Campus Office of Substance & Alcohol Prevention \(COSAP\) programs](#) and [Regents' Policy Manual Section 2.6: Drug Free Environment](#). Drug and alcohol abuse at the University pose a serious threat to the health and welfare of faculty, staff, and students; impair performance; jeopardize the safety and well-being of other members of the University community and of the general public; and conflict with the responsibility of the University to foster a healthy atmosphere for the pursuit of education, research, and public service.

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or alcohol on University property or as part of any University activities by any member of the University community is strictly prohibited.

As a condition of employment, all employees of the University of New Mexico shall abide by the terms of this policy. Violation of this policy shall result in disciplinary action, up to and including dismissal. For more detailed information, faculty should refer to the [Faculty Handbook](#). Staff may refer to the [University Business Policies and Procedures Manual](#) and/or contact the [Human Resources Department](#).

As a condition of continued registration and enrollment, any student of the University of New Mexico 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 and/or contact the [Dean of Students Office](#).

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

## *Enforcement of & Legal Sanctions for the Unlawful Possession, Use or Distribution of Illicit Drugs & Alcohol*

Violations of law pertaining to the unlawful possession, use, or distribution of illicit drugs or alcohol are strictly enforced by UNMPD.

The penalties for even the most minor of violations of the [New Mexico Liquor Control Act](#) can include fines starting at \$500, confiscation of property, and imprisonment for up to eighteen months. More serious violations carry greater penalties, with larger fines and longer imprisonment.

Driving or 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.

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

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.

## *Impacts of Alcohol & Illicit Drugs*

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, and family and dating 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 and work problems.

For more information about the possible effects and health risks associated with the use of illicit drugs and alcohol, contact the [Student Health, Counseling and Health \(SHAC\) Education Program](#) (505-277-7947) or [COSAP](#) (505-277-2795).

## *Drug Prevention Efforts at UNM*

[COSAP](#) was established in 1992 and has been part of the [UNM Center on Alcohol, Substance use, And Addictions \(CASAA\)](#). The COSAP mission is to prevent the misuse of alcohol and other drugs (AOD) through programs and practices that inform UNM students, faculty, and staff and promote safe and moderate behaviors and contest positive perceptions of alcohol and other drug use. In doing so, COSAP fulfills UNM's [Drug and Alcohol Abuse Prevention Program \(DAAPP\)](#) responsibilities under to the DFSCA.

For students, COSAP promotes prevention programming and provides information on substance-free activities as options for students to enjoy their time at UNM without alcohol and other drugs. COSAP programming is designed to promote realistic estimates of student peers' alcohol use, to increase student success and health, to reduce alcohol and other drug related risks, and to help students live by healthy norms.

Pursuant to DFSCA, COSAP also prepares [UNM's Biennial Review of Drug Prevention Efforts](#) which contains:

- Detailed information about the University's policy prohibiting any unlawful activity on campus related to illegal drugs and alcohol; a description of applicable sanctions under state and federal law; a description of health risks associated with illegal drug use and the abuse of alcohol; a description of available alcohol and other drug counseling or treatment resources; and a clear statement that UNM will impose sanctions on students, faculty, and staff members for alcohol/drug violations committed on campus; and
- A biennial review of its drug prevention programs to determine the effectiveness of the programs and to ensure that disciplinary sanctions described above are consistently enforced.

COSAP placed the UNM's Drug-Free Campus (DFC) Policy in the UNM Pathfinder student handbook which is provided annually to all students each academic year. COSAP also collaborates with the President's Office to distribute UNM's DFC Policy to students, faculty, and staff by email via Campus Communications each academic year and ensures the Policy is published in the UNM Faculty Handbook, the Board of Regents' Policy Manual, and the University Administrative Policies and Procedures Manual. COSAP collaborates with the Office of University Counsel to maintain accurate information within Pathfinder on state and federal drug penalties.

Visit the following for more information about UNM's compliance with the DFSCA and programs designed to prevent alcohol and other drug abuse:

- Regents' Policy Manual Section 2.6: Drug Free Environment
- UNM Student Handbook Policy on Illegal Drugs and Alcohol
- UNM Visitor Code of Conduct 2.10

## *Campus Resources for Substance Abuse Problems*

### **Campus Resources for Students**

If you are concerned about the alcohol or other drug use by yourself or someone you know, please contact [SHAC](#) or [COSAP](#). Confidential consultants, individual assessments and education are available.

#### **Student Health & Counseling (SHAC)**

505-277-3136

#### **Campus Office of Substance Abuse Prevention (COSAP)**

505-277-2795

### **Campus Resources for Employees**

If you are concerned about your own, an employee's or a colleague's alcohol or drug use, contact [Counseling, Assistance & Referral Services \(CARS\)](#) or [Human Resources \(HR\)](#). 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. In addition to the Employee Assistance Program (EAP) facilitated through CARS, HR offers a comprehensive Employee Wellness plan focused on adult fitness, nutrition, health counseling, physiological assessment, and health education classes.

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

505-272-6868

#### **Human Resources (HR)**

505-272-0942

## *Other Campus & Community Resources*

#### **AGORA Crisis Center**

505-277-3013

#### **NM Council on Alcoholism and Drug Dependence**

505-256-8300

**Suicide Prevention Emergency Service**

505-247-1121 (24/7)

**University Hospital Emergency Department**

505-272-2411

**UNM Center on Alcoholism, Substance Use 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



Additional assistance and treatment options are available in the [Resources section of COSAP's webpage](#).

## **Security, Awareness, and Crime Prevention Programs**

### *Security and Awareness Programs*

UNM-V offers programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and

the security of others. UNM-V encourages everyone in good faith to take advantage of the programs and courses that are available to all.

### Campus Safety Week

During every Spring semester, UNMVPD and Business Operations partner with various stakeholders to host Campus Safety Week. During Safety Week, UNM-V provides a variety of presentations, workshops, drills, and demonstrations. UNMVPD also conducts tests on various safety and security systems, such as fire suppression systems, audible alarms, and lighting.

### *Crime Prevention Programs*

In addition to empowering community members with tools to keep themselves and others secure, UNM-V offers programming designed to inform students and employees about the prevention of crimes.

### Crime Prevention Presentations

Upon request throughout the year, UNMVPD also facilitates tailored discussions and/or presentations to groups on a variety of crime prevention-related topics.

## Hazing

UNM seeks to create a safe environment that contributes to student success and promotes the acquisition of knowledge. The University takes the prevention, threat, and elimination of hazing seriously, and all forms of hazing are strictly prohibited by its [Anti-Hazing Policy](#).

### *Definitions*

For the purposes of UNM's Anti-Hazing Policy, "**hazing**" refers to an intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons against another person or persons, regardless of the willingness of such other person or persons to participate that:

- was committed in connection with, initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation at UNM or a student organization (such as the physical preparation necessary for participation in an athletic team or military training exercise) of physical or psychological injury.

The following behaviors constitute examples of violation(s) of this policy, recognizing that similar behaviors not listed may also be prohibited:

1. Involvement in the planning, direction, or commissioning of hazing and/or being present during hazing.
2. Failing to intervene to prevent or stop hazing if the person has knowledge of a planned hazing

activity.

3. Failing to assist or seek assistance if the person knows or reasonably should know that another is in danger from effects of hazing.
4. Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity.
5. Causing, coercing, or otherwise inducing sleep deprivation, personal servitude or exploitative labor, restrictions on personal hygiene, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity.
6. Humiliating or degrading acts, whether physical, verbal, or psychological.
7. Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances.
8. Causing, coercing, or otherwise inducing another person to perform sexual acts.
9. Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct.
10. Any activity against another person that includes a criminal violation of local, State, or Federal law.
11. Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, or Federal law.

**“Student organization”** refers to any student group at UNM, including but not limited to a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government—with two or more members enrolled at UNM, regardless of whether the organization is officially recognized by the University.

Currently, there are no applicable local, State, or Tribal laws on hazing in New Mexico.

### *Programs to Prevent Hazing*

Prevention of hazing is a shared responsibility and all UNM community members are responsible for conducting themselves in a manner that supports an environment free from hazing.

UNM offers research-informed campus-wide prevention programs designed to reach students, staff, and faculty, which include information outlined in this policy as well as primary prevention strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

### *How to Report Hazing*

UNM encourages all members of the UNM community to report suspected hazing, including through

anonymous submissions. Reports should include as much specific and accurate information as possible to support a thorough review. While anonymous reports may limit the University's ability to respond, they can still help identify patterns or areas of concern.

The Dean of Students Office serves as the primary University office for receiving and addressing hazing reports. Reports may be submitted online at [Submit a Hazing Report](#).

Reporting suspected hazing to a national organization or third-party entity does not replace the importance of reporting directly to UNM.

Nothing in this section prevents any individual from reporting hazing or suspected hazing to a law enforcement agency.

### *How UNM Responds to Reports of Hazing*

The Dean of Students Office holds primary responsibility for addressing student disciplinary matters. Hazing allegations are handled in accordance with disciplinary procedures as outlined in the UNM Student Disciplinary Procedure ("SDP"). International or national fraternal organizations or law enforcement agencies may conduct concurrent investigations.

A sanction will be issued only in matters where an individual Student(s) and/or Student Organization(s) has been found responsible for violating the Anti-Hazing Policy or Student Code of Conduct ("SCOC") following the procedures outlined in the SDP. Sanctions may include any combination of administrative, educational, restrictive, or status sanctions as outlined in the SCOC or SDP.

### *Campus Hazing Transparency Report*

Effective December 23, 2025, the University of New Mexico will publish a Campus Hazing Transparency Report ("CHTR") identifying incidents of hazing involving student organizations that were reported, investigated and resulted in a finding of responsibility for conduct occurring on or after July 1, 2025. The CHTR, made publicly available on the [DQSO's Hazing Resources & Prevention](#) website, will disclose the name of the student organization, a general description of the violation(s), whether hazing involved the abuse or illegal use of alcohol or drugs, key dates (e.g., when hazing took place [if known], investigation start and end date, when a student organization was notified of the outcome, findings of responsibility, and assigned sanctions (if any).

Information provided in the CHTR does not include personally identifiable information about any individuals. Student organizations under active investigation do not appear in the report until an investigation concludes with a finding of responsibility. Unconfirmed allegations or cases without a finding of responsibility are not included. Additionally, the CHTR does not include incidents involving

unrecognized or unaffiliated student organizations. UNM is required to update the CHRT semi-annually (at least twice a year) and maintain entries in the report for five (5) years.

For more information about hazing prevention, reporting, and institutional response at UNM, see UNM's [Anti-Hazing Policy](#) in the Student Code of Conduct or the [Hazing page](#) in Student Rights & Responsibilities.

## **Programs & Campaigns to Prevent Dating Violence, Domestic Violence, Sexual Assault & Stalking**

As part of its responsibilities under the VAWA amendments to the Clery Act and the State of [New Mexico House Bill 151](#), UNM provides primary and ongoing prevention and awareness programs to prevent sexual assault, domestic violence, dating violence, and stalking for students and employees.

“Programs to prevent sexual assault, domestic violence, dating violence, and stalking” means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, dating violence, and stalking that—  
are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent sexual assault, domestic violence, dating violence, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at current students and employees. They include, at a minimum:

- A statement that UNM prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking,
- The definitions of sexual assault, domestic violence, dating violence, stalking, and consent in reference to sexual activity under New Mexico law and University policy,
- Safe and positive options for bystander intervention,
- Information on risk reduction, and
- Procedures UNM follows and the rights parties have through disciplinary proceedings when one of these crimes is reported.

## *Primary Prevention & Awareness Programs for Incoming Students & New Employees*

### [The Grey Area Training](#)

On October 17, 2016, the University of New Mexico entered into an agreement with the U.S. Department of Justice to refine UNM's policies regarding sexual harassment and misconduct on campus. As a part of this agreement, UNM provides a mandatory sexual misconduct prevention and bystander intervention training, The Grey Area, to all qualified UNM students. The Grey Area is a one-time, in-person or virtual session that is required of all UNM students currently enrolled in a degree-granting program with a regular presence on campus. This includes students that are enrolled at the Health Sciences Center and UNM Law School.



### [Prevention of Sexual Harassment and Discrimination: Gateway](#)

This mandatory, online course prepares faculty and staff to cultivate and maintain a workplace culture resistant to discrimination, harassment, and retaliation. It equips employees with the information and skills that promote intervention, empathy, and allyship.

## *Ongoing Prevention & Awareness Campaigns for Students & Employees*

### [Lobos Intervene](#)

This 45-minute workshop offered by the [LoboRESPECT Advocacy Center \(LRAC\)](#) was developed as a follow-up bystander intervention workshop. The module, which is based in interactive role play, can be fitted for general use or tailored to fit scenarios specific to different student populations. Attendees identify various moments and modes for intervening in a variety of circumstances that could otherwise have negative consequences.

### [All-In: Action in Our Community](#)

This one-hour LRAC workshop was developed in order to increase active bystander tendencies among peers. This interactive, fast-paced module can be fitted for general use or tailored to fit scenarios specific to different student populations. Attendees are challenged to consider common barriers to bystander intervention, helpful bystander strategies, as well as resources available at UNM.

### [Weekly Advocacy Events](#)

The Women's Resource Center hosts events like Manicure Mondays and Crafternoons on a weekly basis, as well as support group meetings for students who have experienced eating disorders and interpersonal violence. WRC Advocates also facilitate anonymous live chat sessions for survivors of crime. For more information, contact the WRC directly at 505-277-3716, view their online [WRC events calendar](#), or visit them in person on the southeast side of Mesa Vista Hall.

### Finding the Line: Clear Boundaries. Healthy Relationships.

LRAC's one-hour workshop on healthy relationships aims to raise awareness about the frequency of intimate partner and relationship violence, while emphasizing skill-building. Attendees are given the opportunity to practice recognizing healthy, unhealthy, and abusive behaviors, to learn more about what healthy and unhealthy boundaries look like, and to identify strategies for supporting a friend who may be in an unhealthy partnership.

### Prevention Workshops and Trainings

Throughout the year and each September during Campus Safety Week, various offices host workshops, trainings, social media posts, tabling, and movie screenings to promote the prevention of sex-based and interpersonal violence. Topics include dating violence prevention, safety planning, and personal safety. Various offices on campus such as the [Office of Compliance, Ethics & Equal Opportunity \(CEEEO\)](#), UNM [Women's Resource Center \(WRC\)](#), the [LGBTQ Resource Center](#), and [LRAC](#) can also customize unique training for different student groups on campus. Examples of topics include healthy relationships, consent, and active bystandership.

### Safe Zone Training

This four-hour training offered by the LGBTQ Resource Center covers topics for students such as intersections of Identity, microaggressions, the coming out process, creating equitable spaces for transgender individuals, violence prevention, and more. Specialized trainings in the medical community and mental health providers are forthcoming.

### Red Zone Awareness

Though UNM Newsroom, UNM students are encouraged to take a stand against The Red Zone and create a cultural shift against sexual misconduct on campus and in the community between the months of August and November when more than half of college sexual assaults occur.

### "Can I talk to you?": Holding Tough Conversations

In this 1-hour workshop, we discuss major touchstones of skillful listening including how to ask open-ended questions, how to affirm strengths, and how to employ reflection. Attendees are given the opportunity to practice these skills as well as learning how and when to pass the conversation to a professional staff person.

### Social Media Campaigns

Various offices and centers across campus promote awareness campaigns on their departmental social media accounts to enhance awareness about sexual assault, domestic violence, dating violence, and stalking among students, faculty, and staff. Some include:

January: Stalking Awareness

April: Sexual Assault Awareness

September: National Campus Safety Awareness

October: Domestic Violence Awareness

### Fundraisers and Awareness Events

Certain departments on campus such as the Women's Resource Center host fundraisers to raise awareness about issues like sexual violence, domestic violence, dating violence, and stalking. Funds go toward a victim or victim's family of the hosting department's choosing.

## Safe and Positive Options for 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 who observes but does not intervene in any way, or to become an active bystander. The LoboRESPECT Advocacy Center provides more information about active bystander intervention.

## Information on Risk Reduction

Depending on the individual and their community, people in all walks of life can be at risk of interpersonal violence. Experiences or traits that may make it more likely for someone to experience sexual assault, domestic violence, dating violence, or stalking include an unstable family dynamic, prior abuse or being exposed to abusive behavior in the past, isolation or weak social connections, bullying, addiction, homelessness, mental health issues, and poverty. Reducing these risks can lessen someone's likelihood of becoming a victim of interpersonal violence and improve the health of a community overall. Some ways all community members can help effect positive change are to promote healthy approaches to [relationships](#), [intimacy](#), and [problem solving](#) and to [interrupt cycles](#) that perpetuate violence.

### *Healthy Relationships*

In most healthy relationships, family, friends, and intimate partners communicate openly, listen with intent, develop trust, and encourage each other to grow. They establish boundaries and acknowledge the need for individual space—whether it be physical or emotional. When difficult situations arise or trauma surfaces (such as the death of a loved one), they help each other maintain healthy habits while coping with the stress or suffering.

### *Intimacy*

Intimacy can be a strong component of a social or romantic relationship. The level to which every individual is comfortable showing varying degrees of intimacy is unique to every person. Creating and nurturing a culture of consent and understanding the parameters of how it is defined in one's community

is one way individuals can help reduce interpersonal violence, especially in intimate situations where no third party is present to intervene.

Contemplate your needs when it comes to openness and intimacy. What are your physical boundaries? Just as importantly, what are your conversational boundaries? How do you get to a place of trusting someone else? What are some ways you can be trustworthy to others?

Be open about discussing consent and boundaries in your relationships. Talk about how consent plays a role in different scenarios that might arise in the future and revisit them as regularly as you and the other person are willing and comfortable.

Consent can broaden, or it can even push and pull across the course of a relationship. During an intimate encounter, it can be granted, withheld, or withdrawn at any point by either person. During intimacy, it is important for each person to set aside what they think they may know about what the other wants. If someone is expressing themselves, actively listen to what they are telling you—or what it sounds like they are trying to get across. Pay attention to their body language, too. Someone's nonverbal cues might be the main (or only) way for them to communicate their discomfort in an intimate situation.

Verbally acting out the giving, withholding, or withdrawing consent either in the mirror or with a trusted friend develops confidence for future interactions. This type of practice also gives your mind and body a positive point of reference in real-life situations so that you are not expressing yourself for the first time in an intimate setting.

If someone else decides not to engage in intimate behavior with you, don't take it as an affront to you. Instead, try to put yourself in their shoes. Their decision not to consent—or their decision to withdraw consent at any time during an encounter—can be for any variety of reasons. It might even be in response to something completely unrelated or to a way in which they were treated by someone in the past.

### *Non-violent Problem Solving*

Being in a healthy relationship does not mean never having a disagreement with a family member, friend, or intimate partner. On the contrary, resolving disagreements or misunderstandings in a healthy manner can help family, friends, and intimate partners develop mutual respect and growth, making it less likely that they try to solve disagreements using violence in the future.

Different people bring different experiences and perspectives to solving problems. Staying connected with caring adults at school, work, or a living or faith-based community can provide opportunities for someone facing obstacles to explore healthy options for overcoming them.

Resources such as counseling services on campus and in the community can help individuals learn

practical, beneficial, deliberate, and non-violent coping skills unique to situations they might face. Such coping skills might also involve reducing one's reliance on drugs or alcohol or avoiding situations where one might be exposed to someone under the influence who is incapable of resolving conflict without violence.

In situations where conflicts resurface, it is helpful to step back and try to get at what the root cause might be. Finding ways to treat the problem as separate from the people involved can reduce their inclination to argue or use violence each time the problem arises.

Using "I" statements when having difficult conversations, rather than using language that places blame, can encourage open dialogue in which those involved feel respected and can take responsibility for their own emotions rather than resorting to blame or violence.

### *Interrupting Risk Cycles*

Showing support for at-risk individuals, making them feel welcome, and helping them stay connected to the community by providing a safe environment in which they can express themselves and take advantage of resources is one way to interrupt risk cycles of violence in society. Embracing informal mentorship and formal mentorship programs between caring adults and at-risk individuals can help make them less vulnerable to violence. Incorporating services, events, and activities that engage entire families in a safe, supportive environment can also help service providers eradicate ongoing violence in the community.

Counseling, mental health, safety planning, and other support resources on campus and in the community offer safe places people can talk through past experiences that affect their current and future relationships.

Lean on support systems you have at school, work, and your personal life and be a support to others. If you are more introverted than others, stay connected with someone in your life who is more social than you are.

Seek agency and purpose in your school, work, and personal life and help others do the same.

Connect to a caring adult and check in with them regularly about your wellbeing. If you are a caring adult, set a positive example for others and mentor where you can.

## **Information About Sex Offenders**

The [Campus Sex Crimes Prevention Act of 2000 \(CSPA\)](#) 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 to 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, and the county sheriff for the county in which the higher education institution is located, in addition to registering with the county sheriff for the county in which the sex offender resides.

### *How to Access the Sex Offender Registry*

Law enforcement agencies in New Mexico use [OffenderWatch®](#) to organize and publicize data about sex offenders throughout the state.

The NMDPS provides a statewide list of registered sex offenders at

[https://sheriffalerts.com/cap\\_office\\_disclaimer.php?office=55290&fwd=aHR0cDovL2NybW11bml0eW5vdGlmaWNhdGlvb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==](https://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NybW11bml0eW5vdGlmaWNhdGlvb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==)

Members of the public can also use the [OffenderWatch](#) app to find and receive alerts about sex offenders in their area or in the area of loved ones: <https://offenderwatch.com/offenderwatch-family-safety-app/>.

## **Procedures to Follow If an Incident of Sexual Assault, Domestic Violence, Dating Violence, or Stalking Has Occurred: A Survivor's Guide to Rights & Options**

This section provides information about the rights of students and employees after they have experienced an incident involving dating violence, domestic violence, sexual assault, or stalking. It is available to all students and employees in pdf and e-book formats on the Office of Compliance, Ethics & Equal Opportunity's webpage as [A Survivor's Guide to Rights & Options at UNM](#) and in print upon request. It is also disseminated to students and employees through a variety of campus programs designed to prevent these crimes.

### *Written Notification of Rights & Options*

When a student or employee reports to a University official that they have been a victim of sexual assault, domestic violence, dating violence, or stalking, regardless of whether offense occurred on or off campus, UNM will provide the student or employee with the University's procedures for disciplinary action as well as a direct link to and/or a printed copy of [A Survivor's Guide to Rights & Options at UNM](#). UNM also makes this *Guide* available to all prospective and current students and employees by featuring it on UNM's Campus Safety page and other sites, promoting it through various campaigns, and incorporating it into programs to prevent sexual assault, domestic violence, dating violence, and stalking. It includes

procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about—

The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;

- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to—
  - Notify proper law enforcement authorities, including on-campus and local police;
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - Decline to notify such authorities; and
  - The rights of victims and the University's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;
- Information about how the University will protect the confidentiality of victims and other necessary parties, including how it will—
  - Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and
  - Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of UNM to provide the accommodations or protective measures;
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
  - Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. UNM makes such accommodations and provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
  - Each type of disciplinary proceeding used by the University; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding;
  - How to file a disciplinary complaint;
  - How UNM determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;
  - A description of the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;
  - A list all of the possible sanctions that the University may impose following the results of

- any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking;
- A description of the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;
- An explanation that the proceedings will—
  - Include a prompt, fair, and impartial process from the initial investigation to the final result;
  - Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
  - Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the support person\* of their choice;
  - Not limit the choice of support person or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the support person may participate in the proceedings, as long as the restrictions apply equally to both parties; and
  - Require simultaneous notification, in writing, to both the accuser and the accused, of—
    - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
    - The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
    - Any change to the result; and
    - When such results become final.

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

- Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
- Conducted in a manner that—
  - Is consistent with the institution's policies and transparent to the accuser and accused;
  - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and

- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

"Support Person" means any individual who provides the accuser or accused support, guidance, or advice. In the Clery Act, this role is referred to as an "Advisor".

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

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



## *Disclosure of the Results of Disciplinary Proceedings*

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

## *How UNM Protects Your Confidentiality*

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

## *First Steps to Consider Following an Act of Sexual Assault, Domestic Violence, Dating Violence, or Stalking*

### Medical Assistance

*If you need medical assistance, don't wait.* The following are medical centers in the Valencia area that are equipped to handle urgent and emergency medical needs.

#### **Presbyterian Urgent Care**

609 Christopher Rd,  
Belen, NM 87002  
(505) 864-5454

#### **Duke City Urgent Care**

1044 Main St NE  
Los Lunas, NM 87031  
505-814-1995

**UNM Hospital**

2211 Lomas Blvd NE  
Albuquerque, NM 87106  
505-272-2111

**Presbyterian Hospital**

1100 Central Ave SE  
Albuquerque, NM 87106  
505-841-1234

**Veteran Affairs Health Care**

1501 San Pedro Dr SE  
Albuquerque, NM 87108  
505-265-1711

**Sexual Assault Nurse Examiner (SANE) Services**

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

*Los Lunas: Valencia Shelter Services Satellite SANE*

445 Camino Del Rey SW, Ste B  
Los Lunas, NM 87031  
505-864-1383

*Albuquerque SANE*

625 Silver Ave SW, 2nd Flr  
Albuquerque, NM 87102  
505-884-SANE (7263) | [info@abqsane.org](mailto:info@abqsane.org)

*UNMPD can provide transportation, even if you do not want to file a police report!*

**Preserving Evidence**

It is not uncommon for a survivor to forget details about an assault or other significant event, or to not want to report it. Even if you do not want to participate in a criminal or administrative process right away, you might change your mind later. Taking the time to document everything can help you reconstruct a

timeline of events should you wish to describe what happened down the road. Preserving evidence within the hours and days following an incident may also assist in proving a criminal offense occurred or may be helpful in obtaining a protection order. It also helps University officials determine whether a policy violation occurred should you wish to participate in the administrative grievance process.

*Here are some tips:*

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

## Restraining Orders

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

A Domestic Violence Order of Protection is a type of Restraining Order the court issues for someone whose household member has abused or threatened to abuse them, regardless of whether they live together, or for someone has been stalked or sexually assaulted by someone who is not a household member. A Civil Harassment Restraining Order (Temporary Restraining Order, or TRO) is another option for when you don't have any kind relationship with the other person. A court may grant a Restraining Order after it receives a statement in the form of a petition or affidavit from a petitioner (the person requesting it).

### Who Can Help Me Obtain a Restraining Order?

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

## UNM's Responsibilities in Relation to Orders of Protection

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

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

## No Contact Directives

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

No Contact Directives take effect 24 hours after delivery to a UNM email account or read by the party—whichever occurs first. Due to the nature of a No Contact Directive restricting contact and communication between parties, each party will know the identity of the other party.

The NCD is not an Order of Protection and the University has no authority to limit contact and communication with someone unaffiliated with the University.

## How to Request an NCD

The [Dean of Students Office](#) of Student Rights and Responsibilities issues NCDs for current UNM students. The Dean of Students has designated university officials at UNM branch campuses, Health Science Center, Law School, or other specialty programs issue NCDs for students in those programs.

Human Resources and/or the Provost Office provide options to address communication concerns between a UNM student and UNM employee and manages issuance of NCDs limiting a UNM employee's contact with a student.

To request an NCD through a confidential resource, contact:

*LoboRESPECT Advocacy Center*

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)

*LGBTQ Resource Center*

505-277-5428 | [lgbtqrc@unm.edu](mailto:lgbtqrc@unm.edu)

*Women's Resource Center*

505-277-3716 | [women@unm.edu](mailto:women@unm.edu)

## Violations of an NCD

Alleged violations of an NCD should be reported to the Dean of Students Office, or designee, and should include supporting documentation and evidence. The reported behavior will be reviewed under the Student Code of Conduct, with any potential disciplinary action following procedures outlined in the Student Disciplinary Procedures. In accordance with privacy regulations, the individual who reported the possible violation will not be informed of any findings or specific conduct outcomes, if any.

## *Reporting an Incident to Law Enforcement*

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

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

## How Do I Make a Police Report?

To report a crime to law enforcement, UNM recommends calling the non-emergency number of the agency that has primary jurisdiction where the incident occurred. If you are unsure of which one to call, contact UNMVPD (505-925-8570) and they can help you determine which agency to notify.

## Does UNM-V Have Its Own Police Force?

Yes. The [University of New Mexico-Valencia Police Department \(UNMVPD\)](#) Officers meet all state certification standards mandated by the New Mexico Department of Public Safety and are commissioned

by the UNM Board of Regents (Section 29-5-2 NMSA 1978) and the Valencia County Sheriff's Office. They have full power of peace officers on campus, which includes the authority to enforce all applicable laws and campus traffic regulations, as well as the authority to arrest. Officers investigate complaints of criminal activity on campus, partner with other police agencies to solve them, and work closely with their respective District Attorney's Office to ensure effective prosecution.

*UNM-Valencia Police Department*

505-925-8570

280 La Entrada Rd

Los Lunas, NM 87031

## **Local Law Enforcement**

*Los Lunas Police Department*

505-865-9130

660 Main St SW

Los Lunas, NM 87301

*Valencia County Sheriff's Office*

505-866-2400

543 Luna Ave SE

Los Lunas, NM 87031

## **What Can I Expect After Reporting?**

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

## **Can Someone Help Me Report to Police?**

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

## *Seeking Support from UNM*

If a student or employee has experienced sexual assault, domestic violence, dating violence, stalking, or another type of discrimination, harassment, or misconduct, they are entitled to supportive measures regardless of which direction they would like to see a disclosure take or whether you decide to report to law enforcement.

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

### Supportive Measures for Students

Examples of supportive measures available to students include:

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

### Supportive Measures for Employees

Examples of supportive measures available to employees include:

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

UNM's confidential support sites can assist students and employees with requesting, accessing, or requesting changes to supportive and/or protective measures, which are available following a disclosure—regardless of whether they decide to report to the University administration or law enforcement.



### *Confidential Support Sites*

Carefully chosen employees within certain departments at UNM are designated as confidential employees by the Title IX Coordinator and are exempt from the reporting obligations described in UAP 2740. Confidential employees are bound by confidentiality and will not share information with CEEO. This is to ensure that individuals who experience discrimination or misconduct can seek support and guidance at the University, even if they do not want to engage with CEEO or law enforcement. However, confidential employees at UNM still have reporting obligations as CSAs under the Clery Act. CSAs are required to report all crimes that are reported to them or that they personally witness as soon as it is practical to do so and may do so by using deidentified information about the parties involved.

### **Confidential Support Sites for Students**

UNM encourages students to consult with a confidential employee on campus who can guide you through your options. The professionals at the sites tagged ✓*Confidential* below provide safe and welcoming

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

#### **LoboRESPECT Advocacy Center (LRAC)\***

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

University Advisement & Enrichment Center (Bldg 85)

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

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)

✓*Confidential* ✓*Supportive Measures* ✓*Advocacy*

#### **Women's Resource Center (WRC)\***

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

Mesa Vista Hall (Bldg 56)

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

505-277-3716 | [women@unm.edu](mailto:women@unm.edu)

✓*Confidential* ✓*Supportive Measures* ✓*Advocacy*

#### **LGBTQ Resource Center\***

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

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

505-277-5428 | [lgbtqrc@unm.edu](mailto:lgbtqrc@unm.edu)

✓*Confidential* ✓*Supportive Measures* ✓*Advocacy*

#### **Ombuds Services\***

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

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

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

Visits by appointment only.)

505-277-2993 | [ombuds@unm.edu](mailto:ombuds@unm.edu)

✓*Confidential*

## Confidential Support Sites for Employees

UNM encourages employees to consult with a confidential employee on campus who can guide you through your options. The professionals at the sites labeled ✓*Confidential* below provide safe and welcoming environments on campus and are trained to help you decide how to move forward in a direction of your choosing. Information you provide to a confidential employee does not generate a formal report, however, they can help you make a report to law enforcement and/or the UNM administration should you wish to report to either one. Sites with an asterisk (\*) are available to employees at all UNM Branches.

### **Counseling, Assistance & Referral Services (CARS)\***

1800 Mesa Vista Rd NE (Bldg 184)

Albuquerque, NM 87106

505-277-3136 | [cars@unm.edu](mailto:cars@unm.edu)

✓*Confidential*

### **Ombuds Services\***

1800 Las Lomas Blvd NE (Bldg 29)

Albuquerque, NM 87106

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

505-277-2993 | [ombuds@unm.edu](mailto:ombuds@unm.edu)

✓*Confidential*

## *Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking to the University*

A Complainant (victim) or any other party with information about a potential sexual assault, domestic violence, dating violence, or stalking may file a report or disciplinary complaint with CEEEO by:

- Submitting a complaint via the UNM EthicsPoint Hotline using [online Complaint Form](#) or by calling 1-888-899-6092 (anonymous reporting option is available),
- Emailing CEEEO at [ceeo@unm.edu](mailto:ceeo@unm.edu),
- Making an appointment with a CEEEO employee,
- Calling 505-277-5251,
- Faxing CEEEO at 505-277-1356,
- Mailing a written document to CEEEO, or
- Stopping into CEEEO's office in person during regular business hours.

CEEEO's office is located west of Dane Smith Hall at:

609 Buena Vista Rd NE (Building 42)

MSC05 3150

Albuquerque, NM 87131

Individuals can also make a report or disciplinary complaint for alleged sexual assault, domestic violence, dating violence, or stalking directly to UNM's Title IX Coordinator, located within CEEEO:

**Beck Rivera, J.D., Title IX Coordinator**

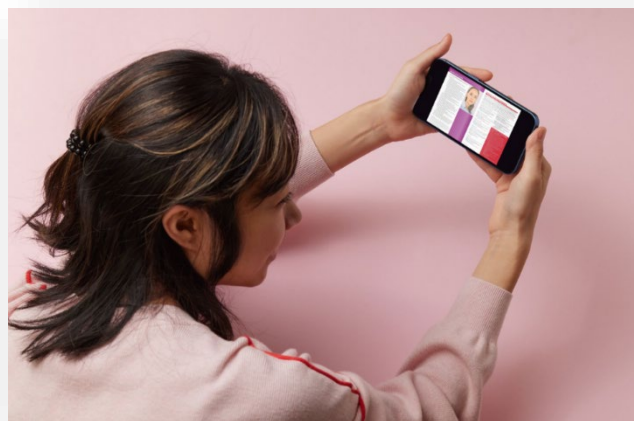
505-277-5251 | [barivera@unm.edu](mailto:barivera@unm.edu)

While CEEEO is not a confidential resource, its staff are also available to assist students and employees with supportive and/or protective measures—regardless of which type of complaint they decide to pursue or whether they decide to report to law enforcement.

### *How UNM Responds to Reports of Sexual Assault, Domestic Violence, Dating Violence & Stalking*

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

- [UAP 2720: Prohibited Discrimination and Equal Opportunity](#)
- [UAP 2745: Clery Act Compliance](#)
- [UAP 2740: Sexual Harassment Including Sexual Assault](#)



[CEEEO](#) is the independent, impartial, and neutral campus office designated to respond administratively to allegations of any of these Violence Against Women Act (VAWA) crimes under one or more of these policies—regardless of where the incident occurred.

When CEEO receives a report, a CEEO staff member contacts the Complainant with campus and community resources (to include [A Survivor's Guide to Rights & Options at UNM](#)), offers the Complainant an opportunity to meet and request supportive measures, advises the Complainant of the different options available to them should they choose to move forward with the complaint, and provides information regarding the full CEEO Grievance Procedure.

UNM's [CEEEO Grievance Procedure \(CGP\)](#), available in full in Appendix A, dictates the process by which UNM responds to a report or disciplinary complaint of sexual assault, domestic violence, dating violence, or stalking, regardless of which policy is invoked. The grievance process is the same for UNM students, faculty, and staff.

## Jurisdiction

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

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

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

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

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

## Alternative Resolution

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

## Investigation

During an investigation, CEEO acts as a neutral finder of facts. A Compliance Specialist assigned to the case conducts interviews with the Complainant, Respondent, and any witnesses, gathers evidence, and compiles an Investigative Report. After both parties have had a chance to review it and add any new information they may have, CEEO concludes the investigation, finalizes the Investigative Report, and provides it simultaneously to both parties and the UNM Hearing Office.

## Live Hearing

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

## Dismissals & Withdrawals

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

## Right to Appeal

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

## General Timelines

CEEO attempts to resolve all reports in a timely manner, and generally concluding investigations within sixty (60) calendar days. However, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances (e.g., numerous witnesses, newly discovered evidence, new allegations, good cause extension). In investigations where there is also a criminal investigation being conducted by law enforcement, the CEEO process will run concurrently with such an investigation. CEEO may grant temporary delays reasonably requested by law enforcement for evidence gathering and preservation. Alternative resolutions are typically resolved in a matter of months and no more than a year, depending on the circumstances and monitoring period the parties agree upon.

## Remedies

Upon a Respondent's finding of responsibility under UAP 2740, the Complainant may also be provided with remedies to maintain their equal access to the working and learning environment in addition to

supportive measures they may have in place. Remedies can take the form of disciplinary measures for the Respondent.



## Sanctions

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

Possible Sanctions for Students, Faculty and Staff Found in Violation of UAP 2720 and/or UAP 2740  
Regarding a VAWA Offense

|                        |                                                                   | <b><i>Students, Non-unionized Faculty and Staff &amp; Visitors</i></b> |                              |                            |                 | <b><i>Unionized Faculty &amp; Staff</i></b>                    |                                                |                                                               |                                                                              |                                                                                                                      |
|------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------|----------------------------|-----------------|----------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|                        |                                                                   | <i>Students</i>                                                        | <i>Non-unionized faculty</i> | <i>Non-unionized staff</i> | <i>Visitors</i> | <i>Faculty represented by United Academics-UNM Unit 1 or 2</i> | <i>Staff represented by United Staff – UNM</i> | <i>Staff represented by Communications Workers of America</i> | <i>Staff represented by the UNM Police Officer's Association Albuquerque</i> | <i>Staff represented by United Electrical, Radio and Machine Workers of America (United Graduate Workers of UNM)</i> |
| <b><i>Sanction</i></b> | Verbal warning                                                    | ✓                                                                      | ✓                            |                            | ✓               |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Written warning                                                   | ✓                                                                      | ✓                            | ✓                          | ✓               |                                                                | ✓                                              | ✓                                                             | ✓                                                                            | ✓                                                                                                                    |
|                        | Assessments                                                       | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Civic services                                                    | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Community engagement                                              | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Educational assignment                                            | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Meetings                                                          | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Workshops                                                         | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Contact restrictions                                              | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Censure                                                           |                                                                        | ✓                            |                            |                 | ✓                                                              |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Probation                                                         |                                                                        |                              |                            | ✓               |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Letter of improvement                                             |                                                                        |                              | ✓                          |                 |                                                                | ✓                                              | ✓                                                             | ✓                                                                            |                                                                                                                      |
|                        | Disciplinary probation                                            | ✓                                                                      | ✓                            |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Suspension                                                        | ✓                                                                      |                              | ✓                          |                 |                                                                | ✓                                              | ✓                                                             |                                                                              |                                                                                                                      |
|                        | Suspension without pay                                            |                                                                        | ✓                            |                            |                 | ✓                                                              |                                                |                                                               | ✓                                                                            | ✓                                                                                                                    |
|                        | Expulsion                                                         | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Dismissal                                                         | ✓                                                                      | ✓                            |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Discharge                                                         |                                                                        |                              | ✓                          |                 |                                                                | ✓                                              | ✓                                                             | ✓                                                                            | ✓                                                                                                                    |
|                        | Termination                                                       |                                                                        |                              |                            |                 | ✓                                                              |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Removal from campus                                               |                                                                        |                              |                            | ✓               |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Residential restrictions                                          | ✓                                                                      |                              |                            |                 |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Barred from campus                                                | ✓                                                                      |                              |                            | ✓               |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |
|                        | Denial of admission, readmission, or employment by the University |                                                                        |                              |                            | ✓               |                                                                |                                                |                                                               |                                                                              |                                                                                                                      |

The following list defines each of the potential sanctions listed in the above table.

- **Assessments** means substance use or other health evaluations.
- **Barred from campus** means being barred from all or designated portions of the University property or activities.
- **Censure for faculty** means a written reprimand, which shall include an explanation of the nature of the misconduct, specific action(s) to be taken by the faculty member and/or department chair to correct the problem, and a statement that further disciplinary action, up to and including dismissal, could occur should the problem persist.
- **Civic service** means community service.
- **Community engagement** means an assignment to attend an event or engage in the life of the University community.
- **Contact restrictions** means or communication or contact limitations or prohibition with other member(s) of the University community.
- **Discharge for non-unionized staff** means permanent involuntary separation of employment from the University.
- **Discharge for staff** represented by United Staff – UNM, Communications Workers of America, or the UNM Police Officer’s Association Albuquerque is a permanent, involuntary separation from employment from the University.
- **Discharge for staff** represented by the United Electrical, Radio and Machine Workers of America (United Graduate Workers of UNM) means separation of a bargaining unit member from an active assistantship during the current term based on issues unrelated to a bargaining unit member’s academic performance.
- **Disciplinary probation for students** means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending on the conditions of the probation.
- **Disciplinary probation for faculty** involves specific disciplinary action taken for a designated period of time designed to assist the faculty member in correcting misconduct. Examples of disciplinary actions that may be part of the disciplinary probation include, but are not limited to:
  - Denial of merit-based salary increase
  - Reassignment within UNM
  - Fines or restitution
  - Mandatory counseling
- **Dismissal for students** means termination of student employment, either for a stated time period or indefinitely.
- **Educational assignment** means a research project, reflection prompt, readings, or other assigned learning experience.
- **Expulsion** means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
- **Letter of improvement** means a letter that documents issues of concern brought forward by a staff

member's supervisor and their supervisors' expectations for improvement, with the expectation that such discussions will result in improved performance. A letter for improvement is not documented in an employee's official personnel file. However, the supervisor shall maintain a record of any letter for improvement in the departmental file and the document may be referred to in any further disciplinary action.

- **Meetings** means scheduled meetings or conversations.
- **Probation for staff** means the establishment of a time period during which further acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation.
- **Removal from campus** means being physically escorted or forcibly removed to a location off property owned or controlled by UNM, by UNM police officers or other UNM agents.
- **Residential restrictions** means restrictions, relocation, or removal from University housing.
- **Restitution** means financial payment to the University for amounts assessed or incurred because of a Student Code of Conduct violation. Restitution payments between parties are not sanctioned, mandated, or administered under this procedure.
- **Suspension for students** means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.
- **Suspension for non-unionized staff** means losing employment for normally one (1) to five (5) business days, which may be longer depending on the severity of the issue.
- **Suspension/Suspension without pay** for employees means temporary, involuntary removal from employment, without pay, for a stated period of time.
- **Termination** means dismissal of employment initiated by UNM.
- **Verbal warning for students** means an oral reprimand.
- **Verbal warning for faculty** means an oral reprimand that is not documented in the personnel file.
- **Workshops** means assignment to an educational program or participation in a workshop, to include costs at the student's expense.
- **Written warning for students** means a written reprimand.
- **Written warning for non-unionized staff** means a written reprimand that is documented in the employee's official personnel file.
- **Written warning/reprimand for unionized staff** means a written reprimand that 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 problem. A written warning is documented in the employee's personnel file.

## *Know Your Rights*

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

- Proceedings that:
  - Include a prompt, fair, and impartial process from the initial investigation to the final result.^
  - Are completed within reasonably prompt timeframes as designated by UNM policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.^
  - Are conducted in a manner that is consistent with UNM's policies, transparent to the accuser and accused, and by campus officials who receive, at a minimum, annual training on the issues related to sexual assault, domestic violence, dating violence, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability and do not have a conflict of interest or bias for or against the Complainant or Respondent.^
- Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.^
- Receive timely notice of meetings at which the accuser or accused, or both, may be present.^
- Examine and respond to all evidence gathered by CEEO.^
- Be accompanied by others during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by a support person of your choice during the CEEO process—including during the investigatory stage—to help you navigate UNM's administrative processes.\*^
- Supportive measures throughout the administrative resolution process.^
- Simultaneous, written notification of:
  - the results of any disciplinary proceeding,^
  - the right to appeal a decision and the procedures for doing so,^
  - any change to the results,^ and
  - once the results become final.^
- Appeal a dismissal, a Hearing Office Final Determination, or accompanying sanction to the Office of the President within seven business days of the date the Hearing Office issues its Final Determination, and to receive notice in writing of the final outcome after the appeal is resolved.^

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

^ Available to both Complainants and Respondents

## On-Campus Resources

### Key

Available to UNM students: **S**

Available to UNM employees: **E**

### Health & Medical Assistance

#### UNM Telehealth - S

*Partners with services across the University of New Mexico Health System to support and facilitate best practices for clinicians that provide direct patient care.*

505-272-iUNM (4866) | [UNMTelehealth@salud.unm.edu](mailto:UNMTelehealth@salud.unm.edu)

### Counseling & Mental Health

#### UNM Adult Psychiatric Center - S E

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

2600 Marble Ave (Bldg 299)

Albuquerque, NM 87106

505-272-2800

24/7 emergency services: 505-272-2920

Psychiatric urgent care: 505-272-9038

#### Counseling, Assistance & Referral Services (CARS) - E

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

1800 Mesa Vista Rd NE (Bldg 184)

Albuquerque, NM 87106

505-277-3136 | [cars@unm.edu](mailto:cars@unm.edu)

#### UNM Student Health & Counseling (SHAC) - S

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

300 Cornell Dr NE (Bldg 73)

Albuquerque, NM 87131

*Opposite the southeast corner of the SUB.*

505-277-3136 | [shac@unm.edu](mailto:shac@unm.edu)

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

### **TimelyCare Telehealth - S**

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

Download at the App Store or Google Play.

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

### **UNM Behavioral Health Clinic - S E**

*Help for substance use and mental health conditions.*

2600 College Blvd NE

Rio Rancho, NM 87144

505-994-5050

### **Manzanita Counseling Training Clinic - S E**

*Free counseling open to all UNM community members.*

Manzanita Hall (Bldg 70)

600 E University Blvd NE

Albuquerque, NM 87106

505-277-7311 | [manzanita@unm.edu](mailto:manzanita@unm.edu)

### **Mental Health Collaborative (MHC) - S**

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

[mhccounseling@unm.edu](mailto:mhccounseling@unm.edu)

*Women's Resource Center*

505-277-3716 | [wrccounseling@unm.edu](mailto:wrccounseling@unm.edu)

*El Centro de la Raza*

505-277-5020 | [elcentrocounseling@unm.edu](mailto:elcentrocounseling@unm.edu)

*Accessibility Resource Center*

505-277-3506 | [arccounseling@unm.edu](mailto:arccounseling@unm.edu)

### **Ombuds Services - S E**

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

1800 Las Lomas Blvd NE (Bldg 29)

Albuquerque, NM 87106

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

*Visits by appointment only.*

505-277-2993 | [ombuds@unm.edu](mailto:ombuds@unm.edu)

### **Human Resources - E**

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

John and June Perovich Business Center (Bldg 183)

1700 Lomas Blvd NE

Albuquerque, NM 87131

505-277-6947 | [hrfiles@unm.edu](mailto:hrfiles@unm.edu)

victim/survivor advocacy

### **LoboRESPECT Advocacy Center (LRAC) - S**

*A place of confidential advocacy, safety, and support.*

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)

### **Women's Resource Center (WRC) - S**

*A place of confidential advocacy, safety, and support.*

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 1160

Albuquerque, NM 87106

505-277-3716 | [women@unm.edu](mailto:women@unm.edu)

### **LGBTQ Resource Center - S E**

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

919 Las Lomas NE (Bldg 168)

Albuquerque, NM 87131

505-277-5428 | [ltqrc@unm.edu](mailto:ltqrc@unm.edu)

## **Crisis Hotlines**

### **LoboRESPECT Advocacy Center (LRAC) Hotline - S**

*On-call service regarding UNM students only.*

505-277-2911

### **Student Health and Counseling (SHAC) - S**

*Licensed counselors available 24/7.*

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

### **TimelyCare Telehealth - S**

*Free, 24/7 access to virtual care services, self-care, and well-being tools for UNM students. No insurance needed. Download at the App Store or Google Play.*

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

## **Emergency Food & Housing**

### **UNM-Valencia Campus Food Pantry - S E**

*Fully stocked with quick meals, take-home food, drinks, and hygiene products, all free for students. Kitchen appliances on site.*

PASOS Resource Center

Los Lunas, NM 87031

*Located in the Learning Resource Center*

*Building directly across from the STEM*

*Center. 505-925-8546 | [pasos@unm.edu](mailto:pasos@unm.edu)*

### **LoboRESPECT Advocacy Center (LRAC Housing/Shelter Services) - S E**

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

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)



## Legal Assistance

### **LoboRESPECT Advocacy Center (LRAC) Legal Aid Assistance - S**

*Legal service referrals for UNM students.*

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)

UNM Law Clinic - S E

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

UNM School of Law - Bratton Hall (Bldg 218)

1117 Stanford Dr NE

Albuquerque, NM 87106

505-277-2146

## Visa & Immigration Assistance

### **LoboRESPECT Advocacy Center (LRAC) Immigration Services - S**

*VISA and immigration assistance referrals for UNM students.*

University Advisement & Enrichment Center (Bldg 85)

400 Cornell Dr NE, Rm 262

Albuquerque, NM 87131

505-277-2911 | [loborespect@unm.edu](mailto:loborespect@unm.edu)

### **UNM Law Clinic - S E**

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

UNM School of Law - Bratton Hall (Bldg 218)

1117 Stanford Dr NE

Albuquerque, NM 87106

505-277-2146

## Student Financial Aid

### **UNM-V Student Financial Aid**

*Resources and guidance for UNM students on matters related to financial assistance to include grants,*

*work study, loans, tuition assistance, and scholarships.*

Enrollment Management & Student Success Building

505-925-8560 | [vcfinancialaid@unm.edu](mailto:vcfinancialaid@unm.edu)

## Transportation Assistance & Services

### UNM-V Police Department

*Issues parking permits and enforces parking regulations at the UNM-Valencia Campus and the Workforce Training Center.*

280 La Entrada Rd

Los Lunas, NM 87031

505-925-8570

[valsec@unm.edu](mailto:valsec@unm.edu)

## Assistance for People with Disabilities

### UNM-V Accessibility Resource Center (ARC) - S

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

505-925-8840 | [sjclawson@unm.edu](mailto:sjclawson@unm.edu)

### UNM Office of Compliance, Ethics & Equal Opportunity (CEEEO) - E

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

609 Buena Vista Rd NE (Bldg 42)

Albuquerque, NM 87131

505-277-5251 | [ceeo@unm.edu](mailto:ceeo@unm.edu)

## Housing Assistance

None.

## Support for Veterans

### UNM-V Veteran & Military Resource Center - S

*Services and support for student veterans at UNM-V.*

505-925-8585 | [fduran@unm.edu](mailto:fduran@unm.edu)

## Support for International Students & Employees

### UNM International Student and Scholar Services - S E

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

Global Education Office (GEO)

Mesa Vista Hall (Bldg 56)

301 Cornell Dr NW, Rm 2120

Albuquerque, NM 87131

505-277-4032 | [geo@unm.edu](mailto:geo@unm.edu)

### Auxiliary Safety Services

None.

### Community Resources

### Health & Medical Services

#### Presbyterian Urgent Care

609 Christopher Rd

Belen, NM 87002

505-864-5454

#### Duke City Urgent Care

1044 Main St NE

Los Lunas, NM 87031

505-814-1995

#### UNM Hospital

2211 Lomas Blvd NE

Albuquerque, NM 87106

505-272-2111

#### Presbyterian Hospital

1100 Central Ave SE

Albuquerque, NM 87106

505-841-1234

#### Veteran Affairs Health Care

1501 San Pedro Dr SE



Albuquerque, NM 87108  
505-265-1711

**Los Lunas Health Center**

145 Don Pasqual NW  
Los Lunas, NM 87031  
505-865-4618

**NM Health Care Authority of Valencia County (Belen/Los Lunas Area)**

45 Camino del Rey  
Los Lunas, NM 87031  
800-283-4465

**Sexual Assault Services**

**New Coalition of Sexual Assault Programs, Inc (NMCSAP)**

*Sexual Assault Nurse Examiner (SANE) Programs provide medical/forensic exams for individuals who have been sexually assaulted. SANE services include a physical assessment, emergency contraception, injury documentation, forensic photography, and evidence collection up to five days after the sexual assault. SANE Programs offer medication for sexually transmitted infections (STI) up to 30 days after the assault. Services are available 24 hours a day, provided at no cost, and are confidential. No ID is required. Individuals can receive a SANE exam without filing a police report. Each SANE Program has a designated Coordinator who is active with their community co-responders and are available to assist with problems, questions, or presentations. UNMVPD can provide transportation, even if you do not want to file a police report!*

*Los Lunas: Valencia Shelter Services Satellite SANE*

445 Camino Del Rey SW, Ste B  
Los Lunas, NM 87031  
24/7 Dispatch: 505-864-1383

*Albuquerque: Albuquerque Sexual Assault Nurse Examiner (SANE) Collaborative*

625 Silver Ave SW, 2nd Flr  
Albuquerque, NM 87102  
24/7 Dispatch: 505-884-SANE (7263)



## Counseling & Mental Health

### **Albuquerque Vet Center**

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

2001 Mountain Rd NW

Albuquerque, NM 87104

505-346-6562

24/7 Call Center: 877-927-8387

Albuquerque Center for Hope & Recovery Peer-run Drop-in Center

*Support for people who live with mental health or co-occurring mental health and substance use challenges.*

913 2nd St NW

Albuquerque, NM 87102

505-246-2247

### **Albuquerque Indian Center**

*Provides substance abuse, family and couples' therapy, and mental health assessments.*

105 Texas St SE

Albuquerque, NM 87108

505-268-1751 | [abqindiancenter@gmail.com](mailto:abqindiancenter@gmail.com)

**New Mexico Solutions**

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

707 Broadway Blvd NE, Ste 500

Albuquerque, NM 87102

505-268-0701

**2551 Coors Blvd NW**

Albuquerque, NM 87102

505-833-2300

Crisis Line: 800-433-7291

**TeamBuilders Behavioral Health**

*Serves adults, children, adolescents, and families.*

428 Los Lentes Rd SE, Ste 3

Los Lunas, NM 87031

505-865-4739

**Victim/Survivor Advocacy****Rape Crisis Center of Central New Mexico**

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

9741 Candelaria Rd NE

Albuquerque, NM 87112

505-266-7711 | [info@rapecrisisnm.org](mailto:info@rapecrisisnm.org)

**Albuquerque Family Advocacy Center**

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

625 Silver Ave SW #2

Albuquerque, NM 87102

505-243-2333

**Haven House Crisis Line**

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

505-896-4869

### **NM Coalition Against Domestic Violence**

*Support and assistance with domestic violence programs across the state.*

2425 Alamo Ave SE

Albuquerque, NM 87106

505-246-9240 or 800-799-7233

### **Transgender Resource Center of NM**

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

5600 Domingo Rd NE

Albuquerque, NM 87108

505-200-9086 | [tgrcnm@tgrcnm.org](mailto:tgrcnm@tgrcnm.org)

### **Casa Fortaleza**

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

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

2340 Alamo Ave SE, Ste 124

Albuquerque, NM 87106

505-910-4031

### **Enlace Comunitario**

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

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

2425 Alamo Ave SE

Albuquerque, NM 87106

505-246-8972

### **New Mexico Asian Family Center**

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

505-717-2877

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

ご不明な点がございましたら: 505-934-5686

如果您有疑问: 505-526-8644

4345-934-505: لسوا گونه ره امش رگا

## Crisis Hotlines

### **Agora Crisis Center Hotline**

*Immediate assistance and referrals for those in crisis.*

505-277-3013

### **National Suicide & Crisis Lifeline**

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

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

855-227-5485 (TTY)

### **Valencia Shelter Services**

*Assists individuals seeking immediate support in accessing shelter and other resources they may need.*

505-864-1383

### **Healthcare Worker & First Responder Support Line**

*Support line specifically for healthcare workers and first responders.*

1-855-507-5509

### **Albuquerque Vet Center**

*Confidential help for Veterans, service members, and their families at no cost in a non-medical setting.*

*Services include counseling for needs such as depression, post traumatic stress disorder (PTSD), and the psychological effects of military sexual trauma (MST).*

877-927-8387

### **Peer to Peer Warmline**

*If you or a loved one wants to talk to someone that has been there, professional peers support workers are here to talk with you.*

1-855-4NM-7100 (1-855-466-7100)

### **National Domestic Violence Hotline**

*24/7/365 compassionate support, crisis intervention information, educational services, and referral services in more than 200 languages.*

1-800-799-SAFE (7233)

### **National Human Trafficking Hotline**

*Social and legal services for victims and survivors of human trafficking.*

1-888-373-7888

#### **RAINN: National Sexual Assault Hotline**

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

1-888-656-HOPE (4673)

#### **Veteran Crisis Line**

*For veterans having thoughts of self-harm, or of harming others.*

1-800-273-8255, Option 1 or Text 838255

#### **Lifeline for Vets**

*Crisis management and support for veterans in need, provided by the National Veterans Foundation.*

888-777-4443

#### **Homelessness Hotline**

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

877-424-3838

#### **Trans Lifeline**

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

877-565-8860

### **Emergency Food & Housing**

#### **Roadrunner Food Bank of New Mexico**

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

505-349-5340 or 505-523-4390

#### **Belen Area Food Pantry**

*Distributes food boxes to families in need. Must be in the Belen School District. ID required.*

201 S 3rd St

Belen, NM 87002

505-966-2567 | [info@fbcbelen.net](mailto:info@fbcbelen.net)

#### **Supplemental Nutrition Assistance Program (SNAP)**

Bernalillo County SW (Albuquerque Area) Field Office

3280 Bridge Blvd SW  
Albuquerque, NM 87121  
800-283-4465

### **Statewide Homeless Resource Helpline**

*Provides resources and referrals related to homelessness.*

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

[768-help@nmceh.org](mailto:768-help@nmceh.org)

### **Westside Emergency Housing Center**

*A safe and welcoming environment for men and women experiencing homelessness in Albuquerque. The center is open year-round and offers meals. Shuttle service is provided daily.*

7440 Jim McDowell Rd NW

Albuquerque, NM 87121

505-839-9193

### **Esperanza Shelter Domestic Abuse Services**

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

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

505-474-5536

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

### **Helen's Housing – Domestic Violence/Sexual Assault Shelter**

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

Administrative Offices

445 Camino Del Rey Dr, Ste E

Los Lunas, NM 87031

505-864-1283 | [referrals@valenciashelterservices.org](mailto:referrals@valenciashelterservices.org)

## **Legal Assistance**

### **New Mexico Legal Aid**

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

505 Marquette Ave NE  
Albuquerque, NM 87102  
Business phone: 1-866-416-1992  
For legal help: 1-833-LGL-HELP (1-833-545-4357)  
Domestic Violence Legal Aid Helpline: 1-877-974-3400

#### **Volunteer Attorney Program: Family Law Clinic**

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

400 Lomas Blvd NW  
Albuquerque, NM 87102  
1-877-266-9861

#### **Valencia Shelter Services**

*Support with filing restraining orders, court preparation, and court attendance.*

Administrative Offices  
445 Camino Del Rey Dr, Ste E  
Los Lunas, NM 87031  
505-864-1283 | [referrals@valenciashelterservices.org](mailto:referrals@valenciashelterservices.org)

#### **Visa & Immigration Assistance**

#### **New Mexico Immigrant Law Center**

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

625 Silver Ave SW, Ste 410  
Albuquerque, NM 87102  
505-247-1023

#### **Catholic Charities VAVW Immigration Project**

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

2010 Bridge Blvd SW  
Albuquerque, NM 87105  
505-724-4670 | [info@ccasnm.org](mailto:info@ccasnm.org)

## Student Financial Aid

### U.S. Department of Education Federal Student Aid

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

1-800-433-3243

## Transportation Assistance & Services

### Rio Metro Bus

*Fare-free bus rides connecting communities throughout Valencia County.*

1-866-795-RAIL (7245) or 505-352-3595

### Rio Metro Dial-a-Ride

*Fare-free rides connecting the general public, including seniors and people with disabilities. Call to request a ride.*

*Valencia County (Weekends only.)*

505-352-3595

*Pueblo of Isleta (Weekends only.)*

505-352-3595

## Assistance for People with Disabilities

### Aging and Disability Resource Center (ADRC) of New Mexico

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

2550 Cerrillos Rd

Santa Fe, NM 87505

1-800-432-2080

### Los Lunas Community Program

*Provides support and services through the Developmental Disabilities Waiver (DDW), State General Funds (SGF), and Medicaid to adults eighteen years of age or older with intellectual and developmental disabilities.*

1000 Main St NW, Cottage 4

Los Lunas, NM 87031

505-506-7614 or 505-269-6924

**Human Services Department of New Mexico**

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

Bernalillo County Field Office  
1041 Lamberton Pl NE  
Albuquerque, NM 87110  
1-800-283-4465

**Rio Metro Dial-a-Ride**

*Fare-free rides connecting the general public, including seniors and people with disabilities. Call to request a ride.*

*Valencia County (Weekends only.)*  
505-352-3595  
*Pueblo of Isleta*  
505-352-3595 (Weekends only.)

**Housing Assistance****El Camino Real Housing Authority**

*Provides quality housing for those with limited incomes.*  
301 Otero Avenue East  
Socorro, NM 87801  
575-322-2171

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

*Provides assistance with homeownership and homebuying, rent, avoiding foreclosure, and homelessness.*  
Albuquerque Field Office  
Dennis Chavez Federal Building  
500 Gold Ave SW, 7th Floor, Ste 7301  
Albuquerque, NM 87103  
505-346-6463

**Habitat for Humanity**

*Assists individuals and families with finding affordable housing.*  
Greater Albuquerque HFH  
505-265-0057 | [info@habitatbq.org](mailto:info@habitatbq.org)

## Support for Veterans

### **Military OneSource**

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

800-342-9647

### **City of Albuquerque Office of Military and Veterans Affairs**

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

Dennis Chavez Federal Building

500 Gold Ave SW

Albuquerque, NM 87102

505-768-3000

### **Albuquerque Vet Center**

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

2001 Mountain Rd NW

Albuquerque, NM 87104

505-346-6562

24/7 Call Center: 877-927-8387

## Support for International Students

### **International Students, Inc. (ISI)**

*Free airport pickup, temporary home-stay, apartment-finding help, and friendship.*

BSU/Christian Challenge Building

401 University Blvd NE

Albuquerque, NM 87106

[isiabq@isionline.org](mailto:isiabq@isionline.org)

## Auxiliary Safety Services

None.

## *Important Definitions*

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

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

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

## **Sexual Assault**

### **Violence Against Women Act Definitions of Sexual Assault**

#### *Sexual assault.*

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

#### *Rape.*

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

#### *Fondling.*

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

#### *Incest.*

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

#### *Statutory rape.*

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

## State of New Mexico Definitions of Sexual Assault

### *Sexual Assault.*

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

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

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

Criminal sexual penetration is a felony crime; the degree of the felony (first degree through fourth degree) depends on the age of the victim and the force or coercion used by the perpetrator.

“Force or coercion” is defined in NMSA 1978, § 30-9-10(A) and means:

- the use of physical force or physical violence;
- the use of threats to use physical force or violence against the victim or another;
- the use of threats, including threats of physical punishment, kidnapping, extortion, or retaliation directed against the victim or another; or
- committing a criminal sexual penetration or criminal sexual contact when the perpetrator knows



or has reason to know that the victim is unconscious, asleep, or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act.

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

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

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

## Domestic Violence

### University of New Mexico Definition of Domestic Violence

#### *Domestic Violence.*

A felony or misdemeanor crime of violence committed—

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

### State of New Mexico Definition of Domestic Violence

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

“Domestic violence” is defined as felony and misdemeanor crimes under the New Mexico Crimes Against

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

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

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

“Assault against a household member” means:

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

“Aggravated assault against a household member” means:

Unlawfully assaulting or striking a household member with a deadly weapon; or

Willfully and intentionally assaulting a household member with intent to commit any felony.

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

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

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

## Dating Violence

### University of New Mexico Definition of Dating Violence

#### *Dating Violence.*

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

For the purposes of this definition—

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

### State of New Mexico Definition of Dating Violence

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

## Stalking

### University of New Mexico Definition of Stalking

#### *Stalking.*

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

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

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

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

## State of New Mexico Definition of Stalking

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

“Stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual.

“Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

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

## Consent

### University of New Mexico Definition of Consent

*Consent.*

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

### State of New Mexico Definition of Consent

*Consent: HB 151: Affirmative Consent.*

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

# APPENDIX A



## OFFICE OF COMPLIANCE, ETHICS & EQUAL OPPORTUNITY

### CEEEO GRIEVANCE PROCEDURE

**MAY 16, 2025**

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## **CEEO DISCRIMINATION GRIEVANCE PROCEDURE**

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

UNM is committed to providing equal access to educational and employment opportunities for all individuals. UNM considers the following as protected statuses:<sup>1</sup>

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

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

CEEO staff treats all parties with respect and approaches each case impartially and equitably. In fulfilling its dual tasks of educating and providing public service, UNM shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. CEEO, acting under the authority of University

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

Policies [2720](#), [2740](#), [2750](#), [2310](#), [2215](#), [3110](#), [3210](#), [3790](#), and Board of Regents [Policy 2.3](#), may take necessary action to prevent, correct, and educate in relation to behavior that violates UNM policies or impacts the academic or work environment. Leadership in CEEO includes the Chief Compliance Officer, the Compliance Coordinator, Director of Equal Opportunity, and the Title IX Coordinator.

CEEEO’s grievance procedures do not restrict rights guaranteed under the First and Fourth Amendments to the U.S. Constitution nor the Due Process Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution. CEEEO shall comply with the Family Educational Rights and Privacy Act (“[FERPA](#)”).

This CEEEO Discrimination Grievance Procedure (“CGP”) outlines the method CEEEO uses when processing complaints alleging violations of UNM policy. Some of the complaints brought under this procedure may also contain allegations that qualify as violations of criminal statutes. As stated above, CEEEO only processes alleged policy violations; it does not process alleged crimes. All persons who believe they have been the victim of a crime may report such crime to law enforcement at any time. **CEEEO does NOT independently report alleged crimes to law enforcement except in limited circumstances, such as harm to a minor.**

### **CGP DEFINITIONS**

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Actual Knowledge               | Notice of sexual harassment or allegations received by CEEEO or the Title IX Coordinator regarding discrimination, including sexual harassment.                                                                                                                                                                                                                                                                                                                                                          |
| Advisor                        | A person chosen by a party or provided by UNM who acts as an advocate for the party during a UNM administrative hearing, if applicable. An Advisor acts as a party’s representative during a hearing for the purpose of conducting cross-examination of witnesses and the opposing party.                                                                                                                                                                                                                |
| COA                            | Confirmation of Allegations. A Complainant’s written statement of the allegations they are making against a Respondent or Respondents.                                                                                                                                                                                                                                                                                                                                                                   |
| Complainant                    | The person or persons filing a complaint with CEEEO.                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| COR                            | Confirmation of Response. A Respondent’s written statement in response to a Complainant’s COA.                                                                                                                                                                                                                                                                                                                                                                                                           |
| Differential Treatment         | Occurs when a protected class of people – whether an individual or a group – are treated differently than similarly situated individuals who are not in the protected class, due to their membership in the protected class.                                                                                                                                                                                                                                                                             |
| Discrimination                 | Conduct based on protected class that excludes a person(s) from participation in, denial of benefits of, treats the person(s) differently than similarly situated individuals who are not in the protected class, or otherwise adversely affects the terms of condition of the person(s)’s employment, education, living environment, or participation in a UNM program or activity. Harassment (including hostile environment and quid pro quo) and differential treatment are forms of discrimination. |
| Education Program and Activity | Locations, events, or circumstances where UNM exercises substantial control over both the Respondent and the context in which harassment or discrimination occurs, and also includes any building owned or controlled by a student organization that is officially recognized by UNM.                                                                                                                                                                                                                    |
| Evidence                       | Evidence consists of, but is not limited to: eyewitness documents, records, statements, photos, video, security footage, audio recordings, social media, emails, text messages, cellular records, police reports, and any other information that would assist the investigator in finalizing a report.                                                                                                                                                                                                   |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exculpatory Evidence          | Evidence which tends to show that a Respondent is not responsible for an alleged policy violation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Failure to Report             | Responsible employees under <a href="#">University Policy 2740</a> are required to report allegations of known or suspected violations of <a href="#">University Policy 2740</a> or of gender discrimination to CEEO and/or the Title IX Coordinator with 24 hours or as soon as reasonably practicable. Per <a href="#">University Policy 2720</a> , supervisors are required to report allegations of known or suspected violations of UNM's civil rights policies to CEEO. Failure to report to CEEO within a reasonable timeframe could be considered a failure to report and a violation of University policy. |
| Final Determination           | The Hearing Officer's conclusion by a preponderance of the evidence deciding whether alleged conduct occurred and whether that conduct violates UNM policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Formal Complaint              | A document filed by a Complainant or signed by the Title IX Coordinator or CEEO alleging discrimination, including sexual harassment against a Respondent pursuant to <a href="#">University Policy 2740</a> , and requesting that CEEO investigate the allegations of discrimination or harassment.                                                                                                                                                                                                                                                                                                                |
| Hearing                       | The adjudicatory process that takes place after CEEO has concluded its investigation of an alleged civil rights policy violation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Hearing Coordinator           | The individual responsible for coordinating a hearing among the parties, Advisors, witnesses, and other hearing participants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Hearing Officer               | The individual responsible for evaluating the evidence presented by the parties at a hearing and issuing a subsequent determination as to whether a civil rights policy violation occurred.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Hostile Environment           | Conduct sufficiently serious (severe/pervasive) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from UNM's programs, services, opportunities, or activities, or conduct that has the purpose or effect of unreasonably interfering with a person's employment or education.                                                                                                                                                                                                                                                                                        |
| Inculpatory Evidence          | Evidence which tends to show that a Respondent is responsible for an alleged policy violation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Informal Resolution           | An informal process where CEEO does not conduct an investigation, and the allegations in the complaint are therefore neither corroborated nor contested. An informal resolution is not disciplinary in nature. In cases where a violation of <a href="#">Policy 2740</a> is alleged to have occurred, two conditions must exist: 1) both parties must agree to an informal resolution; and 2) the alleged conduct must not have been committed by a UNM employee against a student.                                                                                                                                 |
| Investigative Report          | The final report issued at the conclusion of a formal investigation, which includes: Complainant's statement(s), Respondent's statement(s), witness statements, documentary evidence, and threshold record to be used in an evidentiary hearing.                                                                                                                                                                                                                                                                                                                                                                    |
| Jurisdiction                  | Occurs when the circumstances of a complaint are such that CEEO is authorized by UNM Policy to investigate or remedy those circumstances or allegations.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Post-Closure Action           | Informal action that may be taken after the closure of an investigation that does not proceed to a live hearing which is designed to stop alleged conduct and prevent its recurrence.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Preponderance of the Evidence | The relevant evidence gathered during an administrative investigation that demonstrates it is more likely than not that a policy violation occurred.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Protected Class or Status     | A trait or association recognized by law or policy as protected against unlawful discrimination. UNM recognizes the following as protected statuses: age, ancestry, color, ethnicity, gender identity, gender, sex, genetic information, medical condition,                                                                                                                                                                                                                                                                                                                                                         |

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

|                      |                                                                                                                                                                                                                                                                         |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Union Representative | A union representative is a person from a party's employment/labor union who may attend CEEO interviews and help guide the party through the CEEO process. A union representative cannot participate in CEEO interviews; rather, they act as an observer for the party. |
| Witness              | Any person who may have knowledge of the evidence in an investigation or complaint.                                                                                                                                                                                     |

## I. NOTIFICATION AND CORRESPONDENCE WITH CEEO

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

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

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

## II. RETALIATION

It is the policy of UNM to foster an environment where faculty, staff, and students may raise civil rights claims without fear of retaliation or reprisal. All members of the UNM community have a right to redress for perceived violations of their civil rights. It is contrary to UNM policies (under [2720\(13\)](#) and [2740\(4\)](#)) to retaliate against any person for asserting his or her civil rights or for reporting civil rights related misconduct, including sexual misconduct. These rights include, but are not limited to: notifying UNM (faculty, staff) of civil rights concerns; filing a claim of discrimination; participating as a witness in an investigation; declining to participate in an investigation; or responding to allegations of civil rights violations. Retaliation or reprisal against any participant in an investigation will not be tolerated by UNM. Retaliation against a person who seeks assistance from CEEEO is grounds for a subsequent civil rights claim.

## III. TIME FRAME

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

## IV. REPORTING CONCERNS; TYPES OF COMPLAINTS

Any person may report discrimination, including those below, to contact CEEEO if they observe, experience, become aware of, or encounter conduct they believe may be related to civil rights violations:

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

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

- Complete and submit an online CEEEO complaint form;
- Email ([ceeo@unm.edu](mailto:ceeo@unm.edu)), fax (505-277-1356), or mail a written document describing the concerns;
- Complete the online [UNM EthicsPoint Hotline Complaint Form](#);
- Make an appointment with an CEEEO employee;
- Walk-in at CEEEO's office during regular business hours; or
- Call 505-277-5251.

Inquiries may be made outside of UNM to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

There are different types of complaints that may be made to CEEEO under this CGP, as outlined below.

#### A. Informal Complaint from Complainant

A Complainant may file an [informal complaint](#) of discrimination or harassment in order to seek supportive measures and as a means of obtaining information regarding their rights and the CEEEO formal grievance procedure, as described in Section VI. Once informed, the Complainant may decide to initiate the formal grievance process. An informal complaint by itself, however, will not activate the formal grievance process. A report from a third party reporter is considered an informal complaint.

The informal complaint should include:

1. The Complainant's name and preferred contact information, as well as their affiliation with UNM (student, staff, faculty, applicant, or visitor to UNM);
2. The Respondent's name and contact information, and whether the Respondent is a student, staff, faculty, or UNM visitor;
3. The Complainant's protected status under which the alleged discrimination or harassment has occurred;
4. The civil rights category to which the Complainant believes the allegations belongs (i.e., sexual harassment or misconduct, discrimination, harassment, failure to accommodate, retaliation, etc.); and
5. A description of the alleged discriminatory conduct and the Complainant's protected status (as defined on page 1).

Upon receipt of the informal complaint, the following will occur:

1. CEEO will reach out to the Complainant with resources to address their concerns. These resources are specific to the Complainant's role at UNM (student, staff, or faculty) and outline access to groups on and off campus to assist the Complainant with the impacts that alleged discrimination has had on them;
2. CEEO will offer the Complainant the opportunity to request supportive measures;
3. CEEO will advise the Complainant of their right to file a formal complaint and information regarding the formal grievance procedure.

Complainants may provide the required information orally or in writing. CEEO may contact persons who submit complaints in order to discuss the details of the concerns and obtain additional factual information.

#### B. Formal Complaint from Complainant

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment that triggers the formal grievance procedure set forth in Section VI. See Section VI(A) for more information regarding formal complaints.

The formal complaint shall:

1. Be filed utilizing the CEEO [formal complaint form](#) (if the complaint is received verbally or via a third-party report, the Complainant electing a formal complaint process shall utilize the CEEO form);
2. Be signed and dated by the Complainant;
3. Include Respondent's name and contact information (if known), and whether the Respondent is a student, staff, faculty, or UNM visitor;
4. Include Complainant's protected status, which they claim as the basis for the alleged discrimination or harassment;
5. Include the civil rights category to which the Complainant believes the allegations belong (i.e., sexual harassment, violence, or misconduct, discrimination, harassment, failure to accommodate, retaliation, etc.);
6. Include a description of the alleged discriminatory conduct and the Complainant's protected status (as defined on page 1 herein);
7. Identify the UNM program, activity, or location where the alleged conduct occurred; and
8. Indicate whether the alleged conduct occurred in the United States.

A Complainant who files a formal complaint with CEEO will have the opportunity to seek supportive measures.

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

CEEEO receives reports from third-party reporters, responsible employees, or others who have information regarding potential civil rights violations. In these cases, the third-party report may lack the detail present in a Complainant's direct report. In such cases, CEEEO may reach out to the individual(s) the third-party reporter identifies as having experienced the civil rights violation or other witnesses the third-party reporter identifies for more information. CEEEO will evaluate and accept third-party reports to determine if the report is sufficiently detailed to accept jurisdiction and constitute actual knowledge of a complaint. In all cases where reports are received from third parties, CEEEO will reach out to the alleged Complainant to discuss the report, determine the alleged Complainant's need for supportive measures, and how they wish to proceed.

## 1. Failure to Report

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

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

In cases where there are multiple instances of FTR or when an FTR could result in significant harm to the campus or member(s) of the campus community, CEEO will notify the Respondent (the person who failed to report to CEEO under UNM Policies) of the information that CEEO has related to the FTR in writing, and will provide Respondent **five (5) business days** to respond to the FTR allegations, by either providing a verbal or written statement. See Section VI(C)(3)(b).

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

### D. Anonymous Reports

Individuals who report to CEEO may choose to do so through anonymous means, such as through UNM's anonymous compliance hotline. CEEO's ability to conduct a full investigation into the alleged discrimination may be limited in this circumstance. Similarly, an individual who reports discrimination anonymously may have only limited protection from retaliation. Additionally, complete anonymity can never be guaranteed, as the specific allegations in a complaint may make the anonymous reporter identifiable. See Section XI.

### E. Report Filed by the Title IX Coordinator or CEEO

Based on information CEEO and/or the Title IX Coordinator receives, the Title IX Coordinator or CEEO may exercise their authority to initiate a formal complaint and investigation on behalf of UNM, regardless of the cooperation or involvement of a Complainant or affected party.

### F. False Reports

In the event CEEO receives clear and credible information demonstrating that a Complainant or other filing party has submitted a false report, CEEO will investigate as outlined herein against the party alleged to have filed a

false report. A person who is determined to have filed a false report is subject to the sanctions and discipline outlined in Section VIII.

## **V. JURISDICTION**

### **A. Jurisdiction Generally**

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

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

1. The parties involved. CEEEO investigates policy violations. Therefore, the policy alleged to have been violated must apply to at least one of the persons involved in the report.
2. The subject matter of the allegations underlying the complaint. CEEEO has jurisdiction to investigate alleged policy violations regarding civil rights. For CEEEO to have jurisdiction to investigate a complaint, the allegations must state facts that, taken in the light most favorable to the Complainant, qualify as an alleged violation of one or more of UNM's policies. If the allegations in the complaint do not allege sufficient facts demonstrating that one of UNM's civil rights policies have been violated, then CEEEO may not be able to accept jurisdiction and/or may dismiss the matter as outlined in Section VI(C)(3)(b). As noted above, CEEEO may take informal action related to allegations that do not, as alleged, violate UNM policy; therefore, UNM and CEEEO encourage anyone who has any concerns related to civil rights at UNM to bring their concerns to CEEEO.

To make a jurisdictional determination, CEEEO may also consider:

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

### **B. Jurisdiction of Complaints Subject to University Policy 2740**

In order to accept jurisdiction in cases of alleged sexual harassment as defined in [University Policy 2740](#), the alleged incident must have occurred in UNM's education program or activity, which includes physical locations and events over which UNM exercises substantial control, over both the Respondent and the context in which the sexual harassment occurs. This includes any building owned or controlled by a student organization that is officially recognized by UNM. Additionally, at the time of the alleged conduct, the Complainant must be participating or attempting to participate in UNM's educational programs or activities. Complaints filed under [University Policy 2740](#) must have occurred in the United States.

## VI. FORMAL GRIEVANCE PROCEDURE

### A. Formal Complaint

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment to initiate the formal grievance procedure outlined in this section.

The Complainant shall file a formal complaint by either signing and dating the CEEO [formal complaint form](#) or by signing a Confirmation of Allegations after providing a verbal statement of their complaint to an investigator. A Complainant who files a formal complaint will have the opportunity to seek supportive measures.

### B. Notice

Upon receipt of a formal complaint of discrimination as described in Section VI(A), CEEO will notify the parties of the following:

1. A formal complaint has been received;
2. The ability to informally resolve the complaint. The parties must agree to an informal resolution in cases alleging violation of University Policy 2740. Informal resolutions are unavailable in cases where a UNM employee is alleged to have sexually harassed a student;
3. A notice of the allegations, including the identities of relevant participants;
4. The specific policy or policies that Respondent is alleged to have violated;
5. The date and location of the incident, if known;
6. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
7. Inform the parties that they may have an Advisor of their choice during any subsequent hearing, including an attorney at their own expense, if they choose;
8. Advise the parties of UNM policies prohibiting false statements. See [UNM Student Code of Conduct](#), Section 2.3; [University Policy 2720](#), Section 12; [University Policy 2740](#).
9. Inform the parties about retaliation as described in University Policies [2720\(13\)](#) and [2740\(4\)](#);
10. Provide notice of any additional allegations that arise after the initial notice to the parties; and
11. State the purpose of all investigative interviews with a party, with enough time for the party to prepare for the interview.

### C. Process Options

After a Complainant files a formal complaint as outlined in Section IV(B) and the parties are provided with notice, the following process options are available:

#### 1. Withdraw the Complaint

A Complainant may elect to withdraw their complaint at any time after bringing concerns to CEEO. If Complainant chooses to withdraw the complaint, Complainant will be required to sign a form verifying this decision; a written request by the Complainant will meet this requirement. A Complainant is still allowed to seek supportive measures as described in the Definitions section of this CGP.

Even if a Complainant withdraws their complaint, CEEO reserves the right to continue its inquiry into the concerns in order to ensure compliance with UNM policy and related state and federal regulations. Within **five (5) business days** of either receiving Complainant's notice of withdrawal or CEEO's final attempt at communication with Complainant, CEEO will notify Complainant if any further action will be taken regarding their complaint. CEEO may act to ensure a working and learning environment free from harassment and discrimination.

If, after a withdrawal by Complainant, CEEO determines it will not proceed with the formal process and investigation, it will dismiss the complaint and notify the parties of the dismissal and justification. See Section VI(C)(3)(b).

## 2. Informal Resolution

An informal resolution is a path designed to eliminate the alleged discriminatory or harassing conduct, prevent its recurrence, and remedy its effects in a manner that ensures compliance, along with the safety and welfare of the campus community. The purpose of an informal resolution is to inform Respondents that allegations have been made against them and to make them aware of UNM policies and behavioral expectations. This is an informal process where an investigation is not conducted and the allegations in the complaint are therefore neither corroborated nor contested. An informal resolution is NOT disciplinary in nature. **An informal resolution will not be offered to facilitate a resolution for allegations that a staff or faculty member sexually harassed a student.**

A Complainant may elect to proceed with an informal resolution after filing a formal complaint in all cases. In order for an informal resolution to proceed in cases involving allegations of [Policy 2740](#) violations, the parties must both agree with this option. If the parties do not agree, CEEO will afford the Complainant an opportunity to either withdraw the complaint or proceed to a formal investigation as outlined in Section VI(C)(3). As outlined in Section VI(C)(1), however, CEEO reserves the right to continue the investigation in order to ensure compliance with UNM policy and related state and federal regulations.

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

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

After an informal resolution occurs, CEEO sends follow-up correspondence to Respondent and/or to Respondent's supervisor or other authority figure (if applicable), documenting what action was taken by CEEO.

CEEO notifies Complainant of the action taken and, when appropriate, follows up with the parties regarding Complainant's initial concerns for **sixty (60) days**, to ensure the conduct at issue has stopped. At the conclusion of the sixty (60) day period, CEEO will close the case. CEEO may modify monitoring periods on a case by case basis.

Informal resolutions may not be appropriate for all forms of conduct prohibited by UNM policies. **Informal resolutions may not be an available procedural option when CEEO determines that an informal process is not appropriate based on the severity or pervasiveness of allegations.** In those instances, CEEO may proceed with a formal investigation, which can lead to an evidentiary hearing before a Hearing Officer. See Section VI(C)(3)(f).

### 3. Formal Investigation

The investigation is a neutral process during which CEEO gathers evidence directly related to the allegations in the formal complaint from the parties, any witnesses they identify, any witnesses CEEO identifies, and from any other source. The parties are encouraged to provide any and all evidence and witnesses they deem relevant to their case and should consider submitting evidence that is described in the Definitions section of this document. As described in greater detail in the subsections below, each party will have the following opportunities during a full CEEO investigation:

- Be interviewed by the investigator;
- Review their own statements prior to the statement being included in an Investigative Report and distributed to the other party.
- Provide evidence to the investigator;
- Suggest witnesses to be interviewed by the investigator; and
- Propose questions to be asked of witnesses and parties.

If additional allegations are identified during the investigation, the investigator shall provide additional notice to the Respondent pursuant to Section VI(B) above. The Respondent will have the opportunity to provide additional information in response to any new allegations.

#### a. *Initial Assessment*

Following receipt of a formal complaint, CEEO will engage in an initial assessment, which is meant to determine sufficiency of the complaint. During the initial assessment, the CEEO investigator will meet with the reporter to outline the CEEO formal grievance process and gather relevant information to make a jurisdiction determination. If, during the initial assessment, the available evidence shows that the matter is not within the scope of CEEO, the formal complaint will be dismissed. The parties will receive a dismissal letter outlining the justification and appeals information as outlined in the following section. A dismissal can happen at any point throughout the investigative process. If the matter falls within the scope of CEEO, notice will be sent to both parties as described in Section VI(B) and the complaint will proceed with the grievance process outlined herein.

#### b. *Dismissal Letter*

If at any point in the investigative process the evidence gathered indicates that no discriminatory or harassing behavior took place, the conduct described is not civil rights related, or does not fall within the jurisdiction of CEEO, CEEO will issue a Dismissal Letter to the parties, summarizing the evidence and its justification for dismissing the complaint. A Dismissal Letter can be issued at the beginning of the formal complaint being filed if the alleged conduct does not fall within CEEO's jurisdiction (e.g., academic dishonesty, bullying).

CEEO will issue a dismissal in cases where the complaint is not jurisdictional to CEEO. CEEO will issue a Dismissal Letter, as required by Title IX of the Education Amendments of 1972, in cases that allege violation of [University Policy 2740](#) when:

- Alleged conduct does not meet the definition of sexual harassment under [University Policy 2740](#);
- The alleged conduct did not occur within UNM's education program or activity; or
- The alleged conduct occurred outside of the United States.

**If CEEO issues a Mandatory Dismissal for an alleged violation of University Policy 2740, it may still proceed with a formal investigation under other applicable University policies.**

CEEO will consider a Discretionary Dismissal in all cases as follows:

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

Parties may appeal an CEEO dismissal pursuant to Section X herein.

Even when it issues a Dismissal Letter, CEEO may determine that the academic and/or work environment requires some informal action, such as training or education for the parties or a department. In cases where post-closure action is deemed appropriate, parties who need to know will be notified. This informal action may include:

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

### *c. Complainant Meeting*

Typically, as part of the formal investigation, CEEO engages in an interview process with Complainant to determine the specific allegations Complainant requests CEEO to investigate. This interview process may consist of multiple meetings, if needed. For example, the Initial Assessment meeting described in Section VI(C)(3)(a) may yield sufficient information to proceed, but that is not always the case.

During the interview, CEEO will describe the investigative process, the rights and responsibilities of the parties, and UNM's policy prohibiting retaliation. Complainant will provide a statement to the investigator – whether verbal or written – outlining the specific allegations they are making against Respondent(s). If Complainant provides a verbal statement, CEEO will draft a written Confirmation of Allegations (COA) and provide it to Complainant within **two (2) business days** of the initial Complainant meeting in which they disclose the allegations. Complainant will have **two (2) business days** after receiving the COA to confirm its accuracy and then sign and return to CEEO. When the interview process is complete, Complainant has returned the COA, and the specific allegations of policy violation(s) have been identified for investigation, CEEO will simultaneously notify Complainant and Respondent within **two (2) business days** which allegations have been accepted for

investigation, which type of discrimination the Complainant has identified, and which University policies the Respondent is alleged to have violated.

d. *Respondent Meeting*

If a formal investigation is elected, CEEO schedules a meeting with Respondent. Prior to meeting with Respondent, CEEO will provide Respondent with written notice and information that constitutes the complaint, including the protected status, the type of discrimination, and a summary of allegations raised by the Complainant. During this meeting, CEEO describes the investigation process, the rights and responsibilities of all parties, and UNM's policy prohibiting retaliation.

At the initial meeting, CEEO notifies Respondent of the nature and scope of Complainant's allegations and the UNM policy(ies) Complainant alleges Respondent violated. During the meeting, Respondent may provide a statement to the investigator – whether verbal or written – in which Respondent addresses the allegations raised by Complainant and answers questions posed by the investigator. If Respondent provides a verbal statement, CEEO will draft a written Confirmation of Response (COR) and provide it to Respondent within **two (2) business days** of the initial Respondent meeting. Respondent will have **two (2) business days** after receiving the COR to confirm its accuracy and then sign and return to CEEO.

e. *Evidence Gathering*

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

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

CEEEO has sole discretion to determine which allegations it will investigate and the way it will conduct an investigation. As such, CEEEO has sole discretion to determine the relevance of information to the investigation. Any evidence that CEEEO finds irrelevant to the investigation will be documented in the Investigative Report for purposes of final review by the Hearing Officer.

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

f. *Inspection and Review Process*

The parties will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including inculpatory

or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to issuing a final Investigative Report, CEEO will send to each party and the party's support person, if any, the evidence subject to inspection and review in an electronic format. The parties will have **ten (10) business days** to submit a written response, including any **new, factual information which was not reasonably available to the parties prior to issuing the Investigative Report**, which the investigator will consider prior to completion. See Section VI(C)(3)(h) herein.

*g. Post-Investigation Steps*

At the conclusion of an investigation, CEEO will either dismiss the formal complaint pursuant to Section (VI)(C)(3)(b) or continue the investigatory process for further action if a dismissal is not warranted.

*h. Investigative Report*

If dismissal of a formal complaint is not warranted, CEEO will create an Investigative Report. The Investigative Report will offer no opinion as to whether a policy violation occurred.

The Investigative Report will include: a citation to the policies alleged to have been violated; Complainant's statement; Respondent's statement; witness statements; all relevant evidence gathered in the investigation; a citation of evidence gathered that the investigator finds irrelevant; the investigative steps taken; and a statement outlining the reason for any delay in an investigation.

The Investigative Report shall:

- Objectively state all relevant evidence, including both inculpatory and exculpatory evidence;
- Start from a premise that the Respondent did not engage in the discriminatory conduct until a determination of responsibility is made at the conclusion of the grievance process by a preponderance of the evidence;
- Outline disputed and undisputed facts uncovered during the investigation, including any evidentiary anomalies or discrepancies.

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

- Prior Sexual History. Generally, an individual may exclude evidence of their own prior sexual history with anyone other than a party;
- Mental Health Treatment and/or Diagnosis. Generally, an individual may exclude evidence of their own mental health diagnosis and/or treatment;
- Sensitive Personal Identifying Information and Medical Records. Sensitive personal identifying information, such as Social Security numbers and irrelevant information contained in medical records, will be excluded;

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

To protect the integrity of the CEEO investigation, no documents or records are released to the Complainant or Respondent until the Investigative Report is issued. The Investigative Report contains a description of the

documents and records CEEO gathers during its investigation and which the Hearing Officer may use to determine whether UNM policy was violated.

After the Investigative Report is issued, the parties will have **ten (10) business days** to submit any new, relevant, factual information to be included in the final Investigative Report. The response may include corrections or clarifications to the party's own statement, questions for the other party or witnesses, along with any additional evidence or witnesses **not reasonably available to the parties prior to issuing the Investigative Report**. This new information will be included as part of the record in the final Investigative Report, which will be issued to the parties within **five (5) business days** of having received the parties' responses to the Investigative Report.

The final Investigative Report will then be compiled and forwarded to the UNM Hearing Coordinator to begin the grievance [hearing process](#). Thereafter, CEEO will close the investigative file and provide notice to the parties of the same.

#### i. *Grievance Hearing Process*

A live hearing presided over by a Hearing Officer will be held to adjudicate the formal complaint and CEEO investigation. Upon the request of either party, the hearing may be conducted by videoconference with the parties in separate rooms, pursuant to the [University Hearing Procedure](#). At all times, however, all participants – including the parties, Advisors, witnesses, and decision-maker – must be able to see and hear each other.

The Hearing Officer has extensive training in Title IX procedures as well as all applicable evidentiary requirements, standards of proof, and relevant state and local laws. The Hearing Officer is tasked with reaching a determination by applying a preponderance of the evidence standard, which is the standard utilized in all UNM hearing processes.

The [hearing process](#) is determined by the Hearing Officer.

### VII. OTHER MATTERS RELEVANT TO THE FORMAL GRIEVANCE PROCESS

#### A. General Statement of Investigation Timelines

CEEEO attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of accepting a formal investigation; however, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances (e.g., numerous witnesses, newly discovered evidence, new allegations). When there are factors that extend the normal time frame, the parties are notified of the extension and CEEEO documents the reasons for the extension. Similarly, when circumstances dictate that any of the timelines specifically identified herein be extended, CEEEO notifies the parties and documents the reasons for the extension.

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

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

## B. Responsibilities of the Parties

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

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

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

## C. Modification of the Formal Investigation Process

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

1. Unaffiliated Respondents. If the Respondent is unaffiliated with UNM or becomes unaffiliated with UNM, CEEEO may continue the formal investigation and issue an Investigative Report.
2. Hiring or Policy Challenges. CEEEO may accept a hiring or policy challenge based on protected status, where the complaint demonstrates a potentially disparate impact on Complainant. In these situations, CEEEO may elect to name a department, division, unit, or office as Respondent and review the hiring process, procedure, candidate pool, or hiring outcome. In these situations, CEEEO may not name a specific Respondent and will issue only a Final Report, similar to a climate investigation described herein. See Section IX.
3. Failure to Report. See Section IV(C)(1).

## D. Advisors, Support Persons, and Union Representation

Complainants and Respondents are encouraged to bring a support person of their choice to provide guidance during the CEEEO process, including the investigatory stage. A support person may be any person who is not a party or potential witness in the case or a supervisor of one of the parties; their role is to assist the party in navigating UNM's administrative processes. Support person roles may vary based upon the specific needs of the party.

In the event a CEEEO investigation advances to a hearing, the parties are required to have an Advisor of their choice. The Advisor assists the party during the hearing stage, including conducting cross-examination of the opposing party and witnesses.

If the party has union representation, the party has a right to request that a union representative be present at any meeting with CEEEO. If the party feels it is necessary to have a union representative during the interview, the

party may ask to stop the interview at any time. The party will be given **three (3) business days** to obtain a union representative and reschedule the interview.

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

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

Advisors and/or support persons shall not share [FERPA](#)-protected or other confidential information learned through the CEEEO process. Advisors and/or support persons shall not engage in harassment or retaliation of any person or party. Support persons will be asked to sign a Confidentiality Agreement to protect the integrity of the CEEEO grievance process and investigation.

#### E. Conflict of Interest and Bias

When a party alleges that there is a conflict of interest or bias that would prevent CEEEO from conducting a fair, impartial, and neutral investigation, CEEEO will conduct an assessment to determine whether an actual conflict or bias exists. A party's perception of a conflict or bias do not create an actual conflict or bias. An actual conflict exists where it is demonstrated that:

- The investigator has or has had a personal relationship with a party; or
- The named parties include – in good faith – the President of the University or the President's Chief of Staff, as CEEEO reports directly to these individuals.

Each CEEEO staff member is trained to disclose to CEEEO leadership an instance in which they have a conflict or potential bias in a complaint assigned to them. An investigator is not presumed to have a particular bias based on any of their own protected statuses, prior affiliations, or prior investigation outcomes.

The Title IX Coordinator's or CEEEO's direction to proceed with a formal complaint does not create an actual conflict of interest or bias for or against a party involved in the complaint. Such a direction does not endorse or accept as true the allegations in a complaint; rather, the direction is made to ensure UNM meets its obligations under the law and/or University policy.

If a party believes that a conflict of interest or bias affected the outcome of a CEEEO investigation, they may appeal any CEEEO or Hearing Officer determination on that basis. See Section X.

### VIII. **SANCTIONS AND REMEDIES**

CEEEO does not have sanctioning or disciplinary authority. If the Hearing Officer's final determination is that a policy violation has occurred, the Hearing Coordinator will send a copy of the Investigative Report and the

Hearing Officer's Final Determination to the parties, their Advisors, and CEEO as outlined in the [hearing procedure](#).

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

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

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

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

## **IX. DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS; HIRING CHALLENGES**

### **A. Consolidated Complaints; Cross-Claims**

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

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

### **B. Departmental Investigation**

A departmental investigation is one in which CEEO or the Title IX Coordinator stand in as the Complainant in a formal investigation in which there are multiple complaints against one Respondent.

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

When CEEO determines that a departmental investigation is the appropriate procedural option, it will follow the investigative process as outlined in Section VI(C)(3), as applicable.

#### C. Hearings with Multiple Complaints against One Respondent

In instances where there are multiple complaints involving the same Respondent but which CEEO cannot consolidate the complaints, the cases may be adjudicated in one hearing at the discretion of the Hearing Officer.

#### D. Hiring Challenges

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

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

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

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

### X. **APPEALS**

Parties may appeal a CEEO dismissal, the Hearing Officer's determination, and accompanying sanction for policy violations as follows:

#### A. Appeals to the President/Health Sciences Center (HSC) Executive Vice President (EVP)

A party may appeal CEEO's dismissal, the Hearing Officer's Final Determination, and accompanying sanction to the President of the University of New Mexico within **seven (7) business days** of the date of the Final Determination's issuance.

UNM HSC students may appeal to the EVP with a discretionary appeal to the President of the University of New Mexico. The President Appeal Form should be used for appeals sent to the President of the University of New Mexico.

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

1. Procedural irregularity that affected the outcome

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

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

Appeals must be received by the Office of the President within **seven (7) business days** of the date the Final Determination was issued. Exceptions to this time limit will only be considered on a case-by-case basis with sufficient justification provided by the individual seeking the exception. Appeals that are not received by the stated deadline will be denied unless an exception to the appeal time limit is granted by the President or EVP.

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

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

Best efforts shall be made to issue a decision with **twenty (20) business days** after the appeal is received. If the appeal is considered, the President may decide to uphold the Final Determination in its entirety or may remand all or part of the appealed determination to the Hearing Officer or CEEO for additional proceedings or investigation. Written notice of the President decision will be provided to the appealing party, the Hearing Officer, and CEEO. All other parties will be simultaneously notified of the decision by the Hearing Coordinator.

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

#### B. Appeals to the Board of Regents

Under Regents Policy Manual, Section 1.5: Appeals to the Board of Regents, the Board of Regents has the discretion to review the President's decision on an appeal of the Final Determination. An appeal may be submitted to the Board of Regents ONLY AFTER the President's review and decision are completed. The Board of Regents has sole discretion to determine whether the appeal will be considered. Additional information on appeals to the Board of Regents can be found at <https://policy.unm.edu/regents-policies/section-1/1-5.html>.

### XI. CONFIDENTIALITY

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

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

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

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

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

## ADMINISTRATIVE HEARING PROCEDURES: ALLEGATIONS OF VIOLATIONS OF CIVIL RIGHTS POLICIES

### ARTICLE 1. INTRODUCTION AND GENERAL PROVISIONS

**1.1 Introduction.** This document provides a standard operating procedure for the Grievance Hearing Process referenced in Section VI(C)(3)(i) of the Discrimination Grievance Procedure (“DGP”) issued by the Office of Compliance, Ethics, & Equal Opportunity (“CEEO”) and performed by the UNM Hearing Office for alleged violations of the University’s Discrimination Policies (University Administrative Policies (“UAP”) 2310, 2720, 2740, and/or 3110) and/or applicable/related Student Codes of Conduct. This procedure may be incorporated in another procedure by reference.

For the process governing hearings that do not involve allegations of violations of the University’s Non-Discrimination Policies, see <https://oeo.unm.edu/forms/pdf/oeo-dgp.pdf>.

### 1.2 General Provisions

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

**1.2.2 Decisionmaker Training.** The Hearing Officer shall be required to complete specific training prior to conducting a hearing. Such training will be prescribed by the CEEO, the Title IX Coordinator, University policy, procedure, or by order of the Board of Regents or the President. If so prescribed or ordered, the Hearing Coordinator will work with the appropriate University Department to obtain and provide the required training to the Hearing Officer prior to the hearing.

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

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

### **1.3 Definitions.**

**ADA Coordinator:** The individual designated to coordinate University Compliance with the Americans with Disabilities Act and related laws. See UAP 2310 and 3110.

**Administrative Hearing Determination:** Written decision of the Hearing Officer following a hearing.

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

**Advisor:** A person selected by the Complainant or Respondent to perform cross-examination at the hearing. An Advisor also may assist Complaint/Respondent as permitted by Articles 2.1, 2.2 and 2.3 below There are three types of Advisors:

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

**CEEEO:** The UNM Office of Compliance, Ethics and Equal Opportunity. CEEEO investigates claims of discrimination based on a protected status, sexual harassment, and sexual misconduct. It provides oversight of the University's compliance with federal and state equal opportunity and affirmative action statutes and regulations, including Title VII, Title IX, the Clery Act, and the Americans with Disabilities Act ("ADA"). Refer to <https://ceeo.unm.edu> for more information regarding CEEEO.

**Complainant:** The person or persons filing a Formal Complaint pursuant to UAP 2720, 2740, and/or 3110 in accordance with the DGP.

**Cross-Examination:** Questions asked of an opposing Party's Witness at the hearing directly, orally, and in real time by the Party's Advisor to challenge or flesh out statements already given by the Witness.

**Departmental Investigation:** An investigation in which there are multiple complaints asserted by multiple individuals against one Respondent that do not arise from the same factual circumstances.

**Direct Examination:** Questions a Party asks of their own Witness during the hearing to clarify or extend statements made prior to the hearing.

**Discrimination Grievance Procedure ("DGP"):** The procedures followed by the CEEO when processing complaints alleging violations of certain UNM policies. The DGP may be found at: <https://oeo.unm.edu/forms/pdf/oeo-dgp.pdf>.

**Formal Complaint:** A complaint of discrimination and/or sexual harassment that triggers the formal grievance procedure set forth in the DGP. See the DGP for more information regarding Formal Complaints.

**Hearing Coordinator:** The office or individual assigned to facilitate the hearing by providing administrative assistance to the Hearing Officer. The Hearing Coordinator has no substantive decision-making authority regarding the issues to be decided at the hearing or the outcome thereof.

**Hearing Officer:** The individual responsible for evaluating the evidence presented by the Parties at a hearing and issuing a subsequent determination as to whether a Respondent violated a UNM civil rights policy.

**Investigative Report:** The final report issued at the conclusion of a formal investigation conducted by CEEO, which includes: Complainant's statement(s), Respondent's statement(s), witness statements, and relevant evidence. This report serves as the threshold record to be used in an evidentiary hearing.

**Impact Statement:** A written statement by the Complainant or Respondent, presented to the Hearing Officer at the close of the hearing for review by the Sanctioner to help the Sanctioner determine the appropriate sanction, if any. In their statements, the Complainant and Respondent may address their experience and the incident in question, as well as respond to how the investigation and hearing was conducted and any areas of agreement or/disagreement with the investigation or hearing. The Impact Statement may not seek to introduce new evidence.

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

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

**Pre-Hearing Conference:** The meeting set by the Hearing Officer to confer with the Parties and their respective Advisors, prior to the hearing.

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

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

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

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

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

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

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

**Support Persons:** If determined appropriate pursuant to the accommodation set forth in Section 3.1.1, individuals designated by a Party may attend the Pre-Hearing Conference and hearing to provide emotional or physical support to a Party. A support person cannot be a potential Witness in the hearing an Advisor nor can they be someone in a Party's supervisory chain if the Party is a University employee.

**Witness:** Any person who may have knowledge of the evidence in an investigation or complaint, including but not limited to the Complainant and Respondent.

## ARTICLE 2: ROLES AND RESPONSIBILITIES

**2.1 Advisors, Generally.** The role of *any* Advisor is to conduct Cross-Examination of the other Party and Other Party's Witnesses. Cross-Examination may include questions that challenge the credibility of the Witness.

An Advisor may appear and conduct Cross-Examination even when the Party whom they are advising does not attend the hearing. An Advisor may be excused from a hearing if the Party does not attend the hearing and the Party did not consult with the Advisor regarding Cross-Examination questions.

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

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

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

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

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

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

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

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

A Party may change Advisors upon notice to the Hearing Coordinator; however, changing Advisors within five (5) days of the hearing is strongly discouraged. If a Party correctly asserts that an Advisor refuses to engage in Cross-Examination on the Party's behalf, the University will provide an Advisor who will conduct Cross-Examination and delay the hearing until such time as the new Advisor is prepared to assist the Party.

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

**2.5 Parties, Generally.** The Party's role is to designate an Advisor, submit to the Hearing Coordinator information not previously considered by the investigator prior to the Pre-Hearing Conference, prepare Direct and/or Cross-Examination questions to ask of the other Party or Witnesses at the hearing, adhere to the proceeding timeline, ask questions of their Witness/es (other than Cross-Examination of the other Party), communicate with their Advisor, and otherwise fully participate in the process. A Party may testify on their own behalf and/ or be called as a Witness by the other Party.

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

## **ARTICLE 3. PREHEARING MATTERS**

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

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

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

- **Witness List**

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

The Hearing Officer may place reasonable limitations on the number of witnesses, either before or after the list above is submitted, and will inform the Parties of such limitation no later than two (2) business days prior to the hearing. The Hearing Officer may exclude Witness testimony that is cumulative or irrelevant to the issues presented. No witnesses other than those on the Party's list may testify without the consent of the Hearing Officer.

- **Name of Designated Advisor or Request for a UNM Advisor**

Each party shall provide the Hearing Coordinator with the name of their Advisor and disclose whether the Advisor is an attorney representing the Party, whether or not such attorney is engaged in the practice of law in New Mexico, or request a UNM Designated Advisor.

- **Electronic copies of any New Evidence**

Any Party requesting that the Hearing Officer consider New Evidence at the Pre-Hearing Conference must submit electronic copies of that evidence to the Hearing Coordinator. In the case of new testimonial evidence, a written summary of the same must be submitted electronically to the Hearing Coordinator.

### **3.3. Preparation of Evidence.**

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

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

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

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

**3.4 Administrative Hearing Notice.** In accordance with Section VI(C)(3)(h) of the DGP, upon completion of the Investigative Report, CEEO will submit this report, the investigative file and other relevant documentation in its entirety to the Hearing Coordinator. Upon receipt of the file, the Hearing Coordinator will schedule the date of the Pre-Hearing Conference and the Hearing. The Hearing Coordinator will send the Parties a Notice of Administrative Hearing no less than ten (10) business days before the hearing date.

The Administrative Hearing Notice will include the following:

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

## **ARTICLE 4. HEARINGS**

**4.1 Hearings, Generally & Recordings.** All hearings shall be closed to the public, persons who are not participants, and the media. Unless designated by the Hearing Officer, hearings may not be recorded by any person or means. If any participant is found to be recording the hearing, they will be immediately removed from the hearing and prohibited from further participation. If it is later discovered that a participant recorded all or part of the hearing, the employee, student, or visitor alleged to have violated these procedures may be subject to disciplinary action under the UNM policies applicable to each participant.

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

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

**4.1.5 Advisor Designation.** Each Party must have an Advisor for the purpose of conducting Cross-Examination of the other Party and the other Party's witnesses. A Party may designate a person to serve as their Advisor or may request a University-designated Advisor at no cost by contacting the Hearing Coordinator. An Advisor shall not be a Witness in a proceeding.

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

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

**4.3 Evidence.** The Parties may testify, present testimony of other witnesses, and/or explain documents and other evidence at the hearing. The Hearing Officer may exclude cumulative, unfair, confidential or irrelevant evidence (see Article 4.5 below), but is not required to follow the rules of evidence applicable to a court proceeding.

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

**4.4 Determination of a Question as Relevant.** Before a Party or Witness responds to a question on Direct or Cross-Examination, the Hearing Officer must first determine if the question is relevant. The Hearing Officer must explain any decision to exclude a question on the basis that it is irrelevant.

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

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

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

**4.6 Order of Evidence.** Pursuant to Article 4.3, the Hearing Officer may determine the order of evidence to be presented at the hearing. Each Party, however, will have opportunity to do the following:

- Testify on their own behalf and to have Witnesses testify on a Party's behalf;
- Via their Advisor, conduct Cross-Examination of the other Party and other Party's Witnesses;
- Provide follow-up testimony and conduct follow-up Direct Examination of their Witnesses once Cross-Examination is complete.

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

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

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

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

A Party may provide testimony on their own behalf or be called as a Witness by the opposing Party. When a Party testifies on his or her own behalf, the Hearing Officer may ask the Party questions. No Party may question another Party either on Direct or Cross-Examination. In the event one Party calls the other Party as a Witness, the Advisor of the Party calling the Witness shall ask the questions such that the two Parties are never questioning each other

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

**4.8 Rules of Decorum.** Hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. As such, the University has adopted rules of decorum that prohibit any Party, Witness, Advisor, or Hearing Officer from questioning Witnesses or Parties in an abusive, intimidating, or disrespectful manner. These rules may be enforced through the removal of any participant who refuses to comply with said rules. The rules and standards apply equally to all participants regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Advisor, Complainant, Respondent, Witness, or other participant.

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

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

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

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to either remove the offending person or allow them to continue participating in the hearing or other part of the process. Warnings to, decisions to, and/or reasons for the removal of a Party, Advisor, or Witness shall be included in the Administrative Hearing Determination. If the Hearing Officer removes a Party's Advisor, the Party may select a different Advisor of their choice, or accept an Advisor provided by the University. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated when an Advisor is removed. A Party cannot serve as their own Advisor in this circumstance. The Hearing Officer shall make no inference with regard to the removal of an Advisor.

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

## **ARTICLE 5. POST HEARING PROCEDURE**

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

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

**5.2 Written Argument/Impact Statements.** After hearing the evidence, the Parties have the option of submitting to the Hearing Officer (a) written arguments of no more than five (5) pages; and/or (b) an Impact Statement of no more than five (5) pages, unless the Hearing Officer allows an extension of these page limits. Parties must submit their arguments or Impact Statements to the Hearing Coordinator no later than two (2) business days following the final closing of the hearing. The Hearing Officer has discretion to allow additional time for written arguments and/or Impact Statements to be submitted upon good cause shown by either Party as described in Article 1.2.1.

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

- The policies implicated;
- A brief statement indicating whether or not a policy violation was found;
- A brief procedural history;
- In the event an advisor was excused from the hearing, the reasons for excusal;
- If a Party did not attend or refused to fully participate, a statement indicating that the Hearing Officer made no inference as to the Party's absence or refusal to answer questions;
- If the hearing was delayed, the reason for the delay and rationale for rescheduling it;
- A statement of the procedures applied to the hearing, including the burden of proof standard;
- Whether there were any disruptions to the hearing resulting in the issuance of warnings by the Hearing Officer and, if a participant was removed from the hearing, the reasons for such removal and any resulting delays from such disruptions;
- A list of witnesses who testified at the hearing;
- An analysis of each alleged policy violation and the evidence relied upon by the Hearing Officer, including the weight given to a particular statement or piece of evidence, in determining whether the Respondent violated such policy;
- A brief review of evidence excluded by the Hearing Officer, including written statements and testimony offered by a Party or Witness, and the rationale for doing so;
- Sanctions, if any, determined by the sanctioning authority. The sanctioning of faculty Respondents for UAP 2720 and 3110 violations, however, will not be included in the Administrative Hearing Determination, but will be issued separately by the faculty Sanctioner pursuant to the UNM Faculty Handbook, or CBA, as appropriate. Determinations wherein a violation of UAP 2740 was found will include the sanction in the Administrative Hearing Determination.
- Statement indicating how and when an appeal may be taken.

- **5.4 Sanctions.** If the Hearing Officer determines there was a policy violation by either Party, the Hearing Officer shall inform the appropriate sanctioning authority of the findings and provide materials requested by the sanctioning authority to determine the appropriate sanction, if any. The sanctioning authority will inform the Hearing Officer as to the sanctions to be imposed and the Hearing Officer will include those sanctions in the Administrative Hearing Determination. The sanctioning of faculty Respondents for UAP 2720 and 3110 violations, however, will not be included in the Administrative Hearing Determination, but will be issued separately by the faculty Sanctioner pursuant to the UNM Faculty Handbook, or CBA, as appropriate. Determinations wherein a violation of UAP 2740 was found will include the sanction in the Administrative Hearing Determination. The Sanctioner may attend the hearing or review the hearing record for the purpose of issuing the proposed discipline.
- 5.5 Remedies.** Upon a finding that the Respondent is responsible for a policy violation, the CEEO or the Title IX Coordinator may provide Remedies to Complainant in adjudications involving UAP 2740.

## **ARTICLE 6. APPEALS**

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

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