

2023 ANNUAL SECURITY REPORT

The Jeanne Clery Act

The [Jeanne Clery Act](#) was signed into law in 1990 following the tragic death of a first-year university student named Jeanne Clery. This federal consumer protection law aims to help existing and prospective students and employees of the University make informed decisions about whether to work, live, or study at institutions of higher education like UNM that receive federal funding. The Clery Act enhances transparency by requiring public and private colleges and universities that participate in federal student aid programs to:

- Develop and publish an Annual Security Report (ASR) for current and prospective employees and students each fall;
- Submit annual crime statistics to the Department of Education for public access each fall;
- Identify and train Campus Security Authorities (CSAs);
- Provide support to victims of violence and notify them of their rights and the University's obligations to them following a report of crime; and
- Issue timely warnings and emergency notifications.

Clery Act Compliance

Clery Act compliance is a University-wide responsibility, pursuant to [University Administrative Policy \(UAP\) 2745](#). The UNM-Taos Clery Coordinator works hand-in-hand with all areas of the University, High Desert Security, and law enforcement agencies to include the Town of Taos Police Department (TPD), the Taos County Sheriff's Office (TCSO), and New Mexico State Police (NMSP) to help fulfill the University's obligations under the statute throughout the year.

Understanding the Annual Security Report (ASR)

The ASR is a federal requirement of the Jeanne Clery Act that helps existing and prospective students and employees of the University make informed decisions about whether to work, live, or study at our institution. It does so by providing information on the policies and procedures we have in place to help keep our students, staff, faculty, guests, and campus safe and by painting a straightforward picture of what crime and life are like at UNM.

The ASR includes statistics of campus crime and fire incidents for the preceding three calendar years in addition to details about efforts UNM takes to improve and maintain campus safety. In addition to resources for students and employees, UNM-Taos publishes policy statements in the ASR that address crime definitions and reporting, campus security, emergency safety protocols, campus notifications, and the University's response following reports of alleged incidents of sexual assault, domestic violence, dating violence, and stalking.



Notice and Availability of the Annual Security Report

UNM-Taos makes the ASR available to all enrolled students and current employees via UNM email by the federal deadline of October 1 every fall. The ASR is also accessible to prospective students and employees and the community at large on the [UNM-Taos Security & Safety webpage](https://taos.unm.edu/faculty_and_staff/facilities-management/security-and-safety.html):
https://taos.unm.edu/faculty_and_staff/facilities-management/security-and-safety.html.

Individuals may request a print version of the Annual Security Report from:

UNM-Taos Office of Facilities Management
1157 County Road 110
Ranchos de Taos, NM 87557
575-779-4232
mcabral1@unm.edu

How UNM-Taos Prepares the ASR

The Clery Coordinator within Facilities Management, who stays up to date on new initiatives and compliance information pertaining to the ASR, prepares the report each year for UNM's Taos Campus. Various departments throughout the University of New Mexico and beyond support the development of the ASR by providing information the law requires, such as policy statements, crime reports, and fire reports. They include but are not limited to:

- Office of Compliance, Ethics & Equal Opportunity (CEEO)
- Academic Affairs/Student Support Services
- Student Affairs
- Human Resources
- Dean of Students Office
- Title IX Coordinator
- Compliance Specialists

In addition to areas of UNM-Taos that are actively involved on a daily basis in collecting and sharing information about crime and fire incidents, the Clery Coordinator also gathers reports from individuals throughout the Taos Campus who are designated as Campus Security Authorities for inclusion in the annual disclosure of crime statistics and for the purposes of making timely warnings.

Campus Security Authorities (CSAs)

Campus Security Authorities, or "CSAs", are defined under the Clery Act as individuals at UNM who, because of their function for the University, must notify the Clery Coordinator of alleged Clery Act crimes that are reported to them in good faith, and of any alleged Clery Act crimes they may personally witness. CSAs are defined by their University function and not by their job title.



Campus Security Authorities fall within one of four categories:

1. Campus police or security. UNM-Taos has neither a police force or in-house security department.
2. Any individual who is responsible for campus security in some capacity, but who is not a member of Security. This includes persons monitoring access to UNM events.
3. Any individual or office the University designates by policy
4. University officials and others who have significant responsibility for student and campus activities, as determined by the Clery Coordinator

The idea behind having a network of dedicated CSAs is that not all crimes on campus are reported to law enforcement. A student, for example, who is the victim of a crime may feel more comfortable telling their resident advisor or facilities representative about the incident than calling the police right away. The Clery Act requires colleges and universities to collect crime reports from all individuals and offices who are CSAs to present complete and accurate data to the campus community and respond to safety issues.

The role of CSAs is to record any information of alleged Clery Act crimes that are reported to them or that they may personally witness and to promptly submit that information to the Clery Coordinator using the [UNM-Taos Incident Report form \(https://taos.unm.edu/faculty_and_staff/faculty-resources/assets/docs/2021-10-08-incident-report-form.pdf\)](https://taos.unm.edu/faculty_and_staff/faculty-resources/assets/docs/2021-10-08-incident-report-form.pdf).

It is not the role of a CSA to investigate the allegation and decide whether a crime took place—that is the function of law enforcement. A campus CSA should not try to apprehend the alleged perpetrator of the crime. That, too, is the responsibility of law enforcement. It is also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so. A CSA's charge is to transmit information about alleged crimes to the Clery Coordinator and may also provide information to a victim of an alleged crime about resources available to assist them.

Personnel and job duties change over time and for this reason, someone who is a CSA one year may not be a CSA the following year and vice versa. Identifying CSAs requires knowledge of the functions performed by employees in each department. Therefore, all UNM vice presidents, deans, department chairs, and other unit heads assist the Clery Coordinator in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

UNM-Taos' compliance with the Clery Act depends on the cooperation of CSAs. A CSA who fails to fulfill their responsibilities in that role is violating this policy and may be subject to disciplinary action.

[Roles that are Exempt from CSA Designation](#)

Pastoral counselors and professional counselors working under their respective licensures are considered exempt from CSA designation or sharing information they receive unless there is a health and/or safety issue that legally permits it. UNM is also not required to issue timely warnings based on reports it received from pastoral or clinical counselors working in their professional capacity.





Professional counselors at UNM [Student Health and Counseling \(SHAC\)](#) (when informed about crimes involving students) and [Counseling and Referral Services \(CARS\)](#) (when informed about crimes involving employees) must inform the individual receiving counseling of the procedures for reporting crimes to law enforcement, a CSA, or CEEO. Professional counselors at SHAC and CARS are also required to inform students and employees of voluntary confidential reporting options at designated support sites that are available at UNM.

LAW ENFORCEMENT AND JURISDICTION

Local Law Enforcement

All Taos PD officers meet all state certification standards mandated by the New Mexico Department of Public Safety. TPD and TCSO are open 24 hours a day, 365 days a year to respond to the needs of the community. Sworn TPD and TCSO officers have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances, and campus traffic regulations which includes the authority to arrest. By statute, NMSP also has jurisdiction to make arrests, enforce laws, and investigate crimes within the entire state of New Mexico, which includes the entirety of UNM property.

There is currently no Memorandum of Understanding (MOU) in place between UNM-Taos and any external law enforcement agency.

High Desert Security Patrol – 575-758-1450; PO Box 3545 Taos, NM 87571

Under its contract with UNM-Taos, High Desert Security Patrol (HDSP) Officers are available to respond to and are in contact with the public, providing escort services upon request for visitors, students, staff, and faculty as needed along with other public assistance and information requests. Security personnel are also responsible for performing periodic checks of safety equipment such as lights and patrolling on foot and in marked vehicles. They perform security surveys and monitor closed buildings for unauthorized persons and/or suspicious activities. As non-sworn employees, Security Officers do not have the authority to arrest or conduct other police activities law enforcement officers are certified to carry out.

SECURITY & ACCESS AT CAMPUS FACILITIES

The UNM-Taos Campus is open to students and guests between 6 a.m. and 10 p.m. and are locked and alarmed at all other times Building hours occasionally vary and are based on the course schedule for the current term. Employees who require 24 hours a day, seven days a week access have badge access to the exterior doors and restricted areas within the building.

High Desert Security Officers conduct frequent internal and external checks of all buildings on campus and regularly conduct foot and vehicle patrols. UNM 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. Video surveillance is provided and monitored by internal Information Technologies (IT) operations personnel.



Monitoring & Reporting of Criminal Activity at Non-campus Locations of Officially Recognized Student Organizations

No officially recognized-student organization at UNM-Taos controls any non-campus location that would require the monitoring or reporting of criminal activity.

Ongoing Maintenance

Key personnel at UNM-Taos which includes the Facilities Services Manager provide input on new buildings and other campus projects involving security and safety considerations on campus and regularly evaluate facilities for security considerations and maintenance.

At the current time, The Facilities Manager along with the Administration has initiated and is implementing a new Emergency Management Plan. This document was drafted with the assistance of a third-party emergency management consultant, with nation-wide FEMA and Incident Management training and credentials.

The base Emergency Management Plan was adopted and introduced in August and posted on UNM-Taos' website: https://taos.unm.edu/faculty_and_staff/facilities-management/security-and-safety.html. This Plan as designed to be dynamic and fluid in nature and will be updated annually and periodically as necessary to maintain relevant to the known and unknown threats to the UNM-Taos campus and greater community.

UNM's Security Operations Director within the [University of New Mexico Police Department \(UNMPD\)](#) on Main Campus (Albuquerque) and the UNM Director of Crisis Management and Preparedness (formerly "Emergency Manager") also collaborate during this process by providing guidance and technical expertise on UNM's security systems, operations, and technologies, and emergency management protocols.

AS LOBOS, YOU SHOULD REMEMBER TO "PROTECT THE PACK"



EMERGENCY CONTROL & EVACUATION PROCEDURES

Emergency Management Overview

UNM-Taos' the Emergency Management Plan (EMP) supports existing policies with an "All-Hazards" approach and emergency management operations structure, utilizing the National Incident Management System (NIMS) and Incident Command System (ICS) to provide support for timely managerial focus on response operations and to support a transition for recovery operations.

UNM-Taos Leadership and Delegation of Authority

The Chancellor is responsible for ensuring the ongoing mission of the UNM-Taos Campus. The Chancellor has the authority to assign members of their staff with emergency management roles and responsibilities in support of the EMP and other emergency management initiatives. The Chancellor has the authority to declare a UNM-Taos State of Emergency. The order of the UNM-Taos Campus' Delegation of Authority is: 1. Chancellor, 2. Facilities Manager 3. Director of Strategic Support Services, and 4. Director of Student Affairs.

Emergency Declaration and Immediate Response

A declaration of campus emergency is an official designation intended to communicate to UNM-Taos, as well as to state and local officials, that the Campus' normal functions and operations are interrupted, and resources are unable to meet demands resulting from the event. Only the Branch Chancellor or their designee is authorized to issue a declaration of campus emergency.

Emergency Declarations must exist in written form and be communicated publicly. Upon notification of a potential disaster or no-notice event, a (small) "Incident Management Team", or "UNM-Taos IMT", will be notified of a declaration of a campus emergency, in collaboration with the administrative team and other emergency responders, if necessary. The formation of a Unified Command structure with external partners will be immediately considered. This EMP will be promulgated under the authority of the Branch Chancellor and the UNM-Taos Emergency Planning Team. Decisions concerning changes to Campus status (discontinuation of campus functions, cancellation of classes, or cessation of operations), rest with the institution Chancellor. In the Chancellor's absence, the Dean of Instruction will act in their place to make changes to campus status per recommendation from the Incident Management Team and the Administrative Team.

During a Declaration of a Campus Emergency, the Chancellor, the Facilities Manager, the Director of Strategic Support Services, and other Directors as requested by the Chancellor shall place into immediate operation procedures to meet the incident to the extent possible and to safeguard its students, faculty, staff, property, and environment. The Dean of Instruction is responsible for overseeing and coordinating academic programs and enhancing the educational mission of UNM-Taos. The Office of Academic Affairs consists of the branch's academic programs, including select support centers.



The Facilities Manager has the authority to assign members from their office with emergency management roles and responsibilities in support of the EMP and other emergency management initiatives. The Facilities Manager reports to the Branch Chancellor. During a declared campus State of Emergency, the Facilities Manager will assume a role on the UNM-Taos IMT and be responsible for the proper and expeditious handling of the emergency in accordance with the guidelines set forth in the EMP.

Internal Communications

The Facilities Maintenance Department, in applying UNM-Taos' EMP, proposes the following "Roll-Out" for the Walkie-Talkies to be housed about the Campus in case of an emergency. The Action is part of the larger EMP, but the devices may be used to facilitate communications for other purposes.

There is a Walkie-Talkie housed in each of the Klauer Campus buildings as specified below. Each building has a designated Primary Responder and that individual assigns a Secondary Responder to act in their stead. The Incident Management Team decides whom to assign.

Padre Martinez- Primary Responder: Chancellor
Secondary Responder: Strategic Support Manager
Facilities Maintenance- Primary Responder: Facilities Manager
Secondary Responder: Maintenance Technician #1
Pueblo Hall West- Primary Responder: IT Manager
Secondary Responder: IT Technician #1
Pueblo Hall East- Primary Responder: Dean of Students
Secondary Responder: Designee #1
The Stem Center- Primary Responder: Multi-Media Development Specialist
Secondary Responder: Designee #2
Fred Peralta Hall- Primary Responder: Community Health Worker
Secondary Responder: Designee #1
Pathways Center- Padre Martinez- Primary Responder: Library Services Coordinator
Secondary Responder: Designee #1
Taos Kids Campus- Primary Responder: Program Manager
Secondary Responder: Designee #1
Rio Grande Hall- Primary Responder: Programs Director
Secondary Responder: Admin Assistance

Per the EMP there will be a Walkie-Talkie positioned at the front desk of each building, closest to the primary and secondary entrances. The person that mans that desk will be responsible for alerting the Primary/Secondary Responders (by Walkie-Talkie).

The individual that monitors the entry desk locations receives specific trainings on how best to contact and relay information to the Primary/Secondary Responders' Walkie-Talkies, to include verbiage and other important information.





In accordance with the Jeanne Clery Act, UNM-Taos issues emergency notifications (Lobo Alerts) for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus upon confirming the potential threat exists. See the section on Campus-wide Notifications for more information.

CAMPUS-WIDE NOTIFICATIONS

Institutional Response to a Report of an Emergency or Ongoing Threat

In the event of a substantiated serious safety concern, either on campus property or in the near vicinity of the campus, UNM makes numerous and diligent efforts to advise members of the campus community as well as the larger community. The University takes its duty seriously and makes diligent efforts to advise members of the campus community of threatening situations and how they can best protect themselves from harm.

UNM-Taos has a multi-faceted, emergency communications system designed to notify students, faculty, staff and visitors through text, email alerts, and webpage notifications in the event of a significant emergency or dangerous situation involving an immediate threat on campus. Plans and policies are in place to ensure that UNM-Taos will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Reporting a Potential Threat or Dangerous Situation

Any individual can and is encouraged to report any potential threat or dangerous situation on or near UNM's Taos Campus to TPD by dialing 911 or 575-758-4656. Individuals with this type of information can also call Security during the day at 575-737-62712 or 575-779-3663 after 5 p.m., notify any member of Facilities Maintenance crew on duty, call the Facilities Director at 575-779-3663, or call the Facilities Department at 575-737-6271.

AS LOBOS, YOU SHOULD REMEMBER TO “PROTECT THE PACK”



Deciding Whether to Issue a Lobo Alert or Lobo Advisory

The decision to send out notification of a significant emergency lies with the Facilities Services Manager, the Director of Strategic Support Services, or either of their respective designees. 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 other if circumstances do not allow for collaboration.

A Lobo Alert or Lobo Advisory might not be issued if it could compromise the apprehension of a suspect, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

In deciding whether to issue a Lobo Advisory, the Facilities Management or Director of Student Affairs will consider whether the incident:

- Involves a report of a Clery Act crime or attempted crime occurring anywhere within UNM's Clery geography,
- Was reported to a Campus Security Authority (CSA) or local police authority,
- Was violent, was committed using mood-altering drugs, or was otherwise serious in nature,
- Is part of a pattern of criminal activity, and/or
- Represents a continuing threat to students or employees.

UNM is not required to issue a timely warning concerning crimes reported to a pastoral or professional counselor, who are exempt from CSA designation.

Pastoral counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

Emergency Notifications (Lobo Alerts)

Upon the confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus, UNM will immediately notify the campus community by issuing a Lobo Alert system in accordance with the Jeanne Clery Act.

In the event the University issues a Lobo Alert, the Facilities Services Manager, the Director of Student Affairs, or either of their respective designees, will decide whether to issue the message(s) to the entire campus community or a segment thereof, taking into consideration the location(s) potentially impacted by the threat the nature of the threat (i.e., whether it is a general or specified threat). In the rare event UNM officials decide to issue a Lobo Alert to a segment or segments of campus as opposed to the campus as a whole, content may differ in terms of incident or threat details and instructions for recipients.



[UNM Branch Communications and Marketing \(BCAM\)](#) may assist in crafting the content of the notification message, which is then disseminated by the appropriate communications department to the campus community through one or more distribution methods such as text and email.

At a minimum, a Lobo Alert contains:

- Information about the nature of the emergency and what changes one needs to make immediately as a result
- Evacuation of shelter-in-place procedures, if necessary
- Assurance that an all-clear will be sent when the emergency is over
- Information on how follow-up information will be provided, if not through a follow-up Lobo Alert

UNM will always withhold the names of victims as confidential when issuing campus notifications, and additional updates may be issued as the situation evolve.

In compliance with the FCC and the Telephone Consumer Protection Act (TCPA) emergency SMS content requirements effective January 1, 2023, the content of all LoboAlerts will begin with one of the following: “Emergency”, “Critical”, or “Urgent”.

Examples of emergency situations that are life-threatening, which may or may not constitute a crime, include but are not limited to:

- Building Evacuation Events- Fire; Chemical; Gas; Active Shooter
 - *Lobo Alert example:* Critical; A chemical leak has been reported in (XXX). Everyone in Building (XXX) should evacuate that building immediately. All others, should shelter in place until otherwise notified via _____.
- Campus Evacuation Events- Fire; Chemical; Gas; Active Shooter
 - *Lobo Alert example:* Urgent. A gas leak has been reported in (XXX). Everyone on campus should evacuate all buildings and leave the campus.
- Shelter in Place- Active shooter (outdoors)
 - *Lobo Alert example:* Emergency; An active shooter has been reported on campus. Lockdown all buildings and shelter in place. If the shooter gains entry to your building, Run, Hide, Fight.
- Missing Persons- Elderly; Student; Child
 - *Lobo Alert example:* Urgent. A missing child has been reported. The child is a 6-year-old female wearing a red shirt and jeans. Please report any information to Safety Committee/Facilities Management Department personnel immediately.

AS LOBOS, YOU SHOULD REMEMBER TO “PROTECT THE PACK”



How Lobo Alerts Are Distributed

UNM-Taos uses the following distribution methods to issue a Lobo Alert:

- Text messages
- UNM email
- UNM-Taos website
- UNM-Taos social media accounts
- Really Simple Syndication (RSS) feeds

Follow-up information is also available on UNM-Taos' social media pages for both the campus community as well as the larger community. The UNM-Taos Communications Director will also notify, as appropriate, the local news media and social media to inform the community outside of UNM.

Timely Warnings (Lobo Advisories)

In accordance with the Jeanne Clery Act, UNM-Taos issues Lobo Advisories to inform the campus community of reports of Clery Act crimes that occur within the institution's Clery geography, were reported to a Campus Security Authority (CSA), and that pose a serious or continuing threat to students or employees. Once it has been determined these criteria have been met, the Facilities Services Manager or the Director of Student Affairs will initiate the Lobo Advisory process. Ideally, the determination of a "serious or continuing threat" and the content of the message are made between the Facilities Services Manager and other officials/ However, each can make that determination unilaterally so as not to cause additional delay.

Lobo Advisories are disseminated to the entire campus community as soon as pertinent information is available to promote safety and aid in the prevention of similar crimes on campus, regardless of whether the report can be substantiated. In addition to details about the incident such as time, date, location, and a suspect description (if known), Lobo Advisories provide risk reduction tips that empower students and employees to protect themselves from becoming victims of similar crimes. Additional updates may be issued as the situation evolves or other pertinent information available.

Examples of serious or ongoing threats that originate as reports of Clery Act crimes or attempted crimes include but are not limited to:

- Any act or immediate threat of interpersonal violence (e.g., physical assault, domestic or relationship situations, hate crimes, or a consistent pattern of violent behavior/activity)
- A rash of burglaries on campus
- A sexual assault for which an offender has not been identified
- A drug trafficking operation on campus
- An armed robbery occurred on a sidewalk adjacent to campus



Lobo Advisory Contents

At a minimum, a Lobo Advisory contains:

- The date and time of the notification
- The date, time, and location of the reported incident
- Detailed information about the incident, including location unless that information compromises the identity of the victim(s) or law enforcement efforts
- The federal and/or state offense definition (for Clery Act crimes)
- A physical description of the suspect(s), when there is sufficient information that such a description is determined to be appropriate, actionable, useful, and meaningful
- A photograph of the suspect or composite of the suspect(s), if available
- How the incident is connected to a previous incident, if applicable
- Information that will promote safety and potentially aid in the prevention of similar crimes (e.g., crime prevention or safety tips to include ways in which bystanders can intervene) that avoids placing blame on victims
- Appropriate ways for readers to report similar situations, to include law enforcement contact information
- Resources on campus to help those who are impacted by the content of the message or incident
- How follow-up information will be provided

UNM will always withhold the names of victims as confidential when issuing campus notifications, and additional updates may be issued as the situation evolve.

How Lobo Advisories Are Distributed

UNM-Taos uses the following as primary distribution methods to issue a Lobo Advisory:

- Text messages
- UNM email
- UNM-Taos website
- UNM-Taos social media accounts
- Really Simple Syndication (RSS) feeds
- Word of mouth
- Printed flyers or bulletins

In the event the University issues a **Lobo Advisory**, the message will be distributed in such a way that it is most likely to reach the entire Taos Campus community.

Follow-up information is also available on UNM-Taos' social media pages for both the campus community as well as the larger community. The UNM-Taos Communications Director will also notify, as appropriate, the local news media and social media to inform the community outside of UNM.





Enrollment in Lobo Alerts

All faculty, staff, and students are automatically opted into Lobo Alerts when they enroll or begin employment. 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 on the [Lobo Alerts Emergency Messaging website \(https://loboalerts.unm.edu\)](https://loboalerts.unm.edu).

Members of UNM-Taos and the larger community can also receive UNM-Taos' Lobo Alerts and follow-up information about incidents through social networking sites like [X](#) (formerly [Twitter](#)) and [Facebook](#), and community members can also sign up to receive Lobo Alerts on the [UNM Community Text website \(https://www.getrave.com/login/unmcommunity\)](https://www.getrave.com/login/unmcommunity).

Records Retention

The Facilities Services Manager, acting in a Clery Coordinator capacity, is responsible for maintaining all supporting documentation for Lobo Alerts and Lobo Advisories.

REPORTING EMERGENCIES AND CRIMINAL ACTIVITY

In an Emergency: Anyone experiencing or witnessing an emergency should dial 911 or 575-758-2217 or TCSO directly.

Dialing 911 from a campus landline telephone or a cell phone automatically connects the caller to Taos County's Communications Center (dispatch). The 911 system automatically traces the location of all incoming calls, which enables officers to respond even when a caller cannot provide the location.

UNM encourages all members of the campus community to store numbers for Facilities Management, High Desert Security, Taos Police, and other agencies as contacts in their mobile phones or have them readily available in the event of an emergency.

Reporting Criminal Activity to Law Enforcement

UNM-Taos strongly encourages any member of the UNM community who is the victim of or witness to any crime to report the incident promptly and accurately to law enforcement, and to report crime to the police when the victim of a crime elects to, but is unable to, make such a report. Crimes that do not require an emergency response should be reported to the law enforcement agency with primary jurisdiction over where the crime allegedly took place.

[Town of Taos Police Department \(TPD\)](#)

575-758-4656

400 Camino de la Placita

Taos, NM 87571



Taos County Sheriff's Office (TCSO)

575-758-3361
 599 Lovato Pl
 Taos, NM 87571

New Mexico State Police (NMSP)

575-758-8878
 241 Paseo Del Cañon E
 Taos, NM 87571

Police Reports as Public Information

Under New Mexico law, the original entry police report must be made available for review by the public upon request. Supplemental police reports that detail the investigation and the names of the parties involved are not available for public inspection during a police investigation. Following the closure of a law enforcement investigation, UNM-Taos maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

Reporting Criminal Activity to the University

As stated above, the University of New Mexico Taos Branch urges any individual who has experienced a crime or has knowledge about a criminal incident to make an official report to law enforcement.

In addition to, or in lieu of, reporting a crime to the police, all members of the UNM community, to include faculty, staff, students, parents, and visitors, are encouraged to report incidents of crime or other misconduct to specific UNM offices based on the nature of the offense or their relationship to the institution. The following table lists non-law enforcement areas of UNM that are staffed by full-time Campus Security Authorities and considered "preferred receiver of reports" for the purposes of compiling annual crime statistics and issuing timely warnings.

University Area	Phone and/or Email
High Desert Security	Phone: 575-758-1540
Facilities Management	Phone: 575-779-6272 Email: mcabral1@unm.edu
Student Affairs	Phone: 575-737-6212 Email: patrodr@unm.edu
Dean of Instruction	Phone: 575-737-6226 Email: randia@unm.edu
Office of Compliance, Ethics & Equal Opportunity (CEEO)	Phone: 505-277-5251 Email: ceo@unm.edu UNM's EthicsPoint Hotline (Anonymous reporting option available)



Confidential Support and Voluntary Crime Reporting Options

UNM urges any individual who has experienced a crime or has knowledge about a criminal incident to make an official report to law enforcement. All members of the UNM-Taos community, to include faculty, staff, students, parents, and visitors, are also encouraged to report incidents of crime, hate/bias, sexual misconduct, stalking, domestic violence, dating violence, and discrimination to CEE0 (505-277-5251) for statistical reporting, to initiate outreach to impacted individuals, and where appropriate, trigger a civil rights investigation.

UNM also 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. To meet this need, UNM offers confidential reporting and support sites for students, faculty, and staff.

Staff in these centers are designated CSAs and must report the nature, date, and general location of any Clery-related incident to the Clery Coordinator in a timely manner for timely warning and statistical reporting purposes. However, staff members at these sites are not required to provide any identifying information of an individual who utilizes their services.

Confidential Support and Voluntary Crime Reporting Options for Students

These five confidential support sites provide safe and welcoming environments and serve as confidential/anonymous reporting locations for students to receive supportive measures, resources, and advocacy.

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

505-277-2911

loborespect@unm.edu

University Advisement & Enrichment Center Rm 262

Albuquerque, NM 87106

[LGBTQ Resource Center*](#)

505-277-LBGT (5428)

lgbtqrc@unm.edu

919 Las Lomas Rd NE

Albuquerque, NM 87106

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

505-277-3706

women@unm.edu

Mesa Vista Hall, Rm 1160

East side, across from pool

Albuquerque, NM 87106





In addition to the confidential support sites listed above, the following departments and the Title IX Coordinator serve as non-confidential reporting sites for any type of crime including those that are gender-based and can also connect faculty and staff to supportive measures. These sites may have to disclose a reporter's name in the event a civil rights investigation or other process is initiated.

Office of Compliance, Ethics & Equal Opportunity (CEEO)

505-277-5251

ceeo@unm.edu

609 Buena Vista Rd NE

Albuquerque, NM 87106

TITLE IX Coordinator

Angela Catena: acatena@unm.edu

Student Health & Counseling (SHAC)*

505-277-3136

shac@unm.edu

Please do not share confidential information over email.

300 Cornell Dr NE

Albuquerque, NM 87106

Opposite the southeast corner of the SUB

Confidential Support and Voluntary Crime Reporting Options for Faculty and Staff

The three confidential support sites listed below provide safe and welcoming environments and serve as confidential/anonymous reporting locations for faculty and staff to receive supportive measures and other resources.

Counseling, Assistance & Referral Services (CARS)*

505-277-3136

cars@unm.edu

1800 Mesa Vista Rd NE

Albuquerque, NM 87106

Ombuds for Staff*

505-277-2993

ombuds@unm.edu

1800 Las Lomas Dr NE

Albuquerque, NM 87106

Ombuds for Faculty*

505-277-3212

ombudsfac@unm.edu

1800 Las Lomas Dr NE

Albuquerque, NM 87106



In addition to the confidential support sites listed above, the following departments and the Title IX Coordinator serve as non-confidential reporting sites for any type of crime including those that are gender-based and can also connect faculty and staff to supportive measures. These sites may have to disclose a reporter's name in the event a civil rights investigation or other process is initiated.

[Office of Compliance, Ethics & Equal Opportunity \(CEEO\)](#)

505-277-5251

ceeo@unm.edu

609 Buena Vista Rd N

Albuquerque, NM 87106

TITLE IX Coordinator

Angela Catena: acatena@unm.edu

Confidential and Voluntary Online or Telephone Crime Reporting Sites

The following list contains information for sites and resources on campus where someone can make a report of a crime or other misconduct anonymously. Once information involving any Clery Act crime is received through these avenues, the Clery Coordinator is made aware and uses the information a reporter provides to determine whether UNM needs to disclose the report in its annual statistics or in a timely warning.

- EthicsPoint [online report](#)
- EthicsPoint Compliance hotline (1-888-899-6092)

POLICIES, LAWS & RESOURCES PERTAINING TO ILLEGAL DRUGS, ALCOHOL & WEAPONS ON CAMPUS

Alcohol and Illegal Drugs

The [Drug-Free Schools and Communities Act Amendments of 1989](#) requires institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. This includes, at minimum, the following:

1. Creating and maintaining a campus alcohol and other drug policy which contains information on:
 - Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by employees and students on its property or as part of its activities;
 - A description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;



- A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
 - A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs;
 - A clear statement of the disciplinary sanctions that the institution will impose on employees and students and a description of termination of employment and referral for prosecution for the unlawful possession, use, or distribution of illicit drugs and alcohol. Disciplinary sanctions may also include completing an appropriate rehabilitation program
2. Distributing this policy to all students, faculty, and staff annually. Until recently, the U.S. Department of Education interpreted this to require the policy to be sent via printed documents through campus mail. The use of electronic distribution is now considered appropriate, provided:
 - The email is distributed to all students, staff, and faculty, and
 - The policy appears in the text of the email and not as an attachment
 3. Adopting and implementing an alcohol and other drug prevention program; and
 4. Conducting a biennial report review of the program's effectiveness, implementing changes as needed, and ensuring that the disciplinary sanctions are consistently enforced.

UNM's [Campus Office of Substance Abuse Prevention](#) (COSAP) conducts the University's Biennial Review of Drug Prevention Efforts. UNM's August 1, 2020 – July 31, 2022 Biennial Review of Drug Prevention Efforts is available through [COSAP](#).

UNM's Policy on Illegal Drugs and Alcohol

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of the commitment of The University of New Mexico to an environment for the pursuit of its educational mission free of drugs and the illegal use of alcohol. Drug and alcohol abuse on campus poses a serious threat to the health and welfare of faculty, staff and students; impairs work and academic performance; jeopardizes the safety and well-being of other employees, students and members of the general public; and conflicts with the responsibility of The University of New Mexico to foster a healthy atmosphere for the pursuit of education, research and service.

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



This policy is not intended to supersede or negate any existing policies on substance abuse, student or employee discipline, or any additional requirements imposed on the University of New Mexico or its students, faculty, or staff by federal or state law.

Policy Statement

The unlawful manufacture, distribution, dispensing, possession or use of controlled substances or alcohol on UNM property or as part of any of its activities by any member of The University of New Mexico community—faculty, staff or student—is strictly prohibited.

As a condition of employment, all employees—faculty and staff—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 and/or contact the Faculty Grants and Contracts Office. 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 his/her supervisor if he or she is convicted of a criminal drug statute violation occurring in the workplace within five days of such conviction. The supervisor shall notify the University Counsel's Office. Failure of the employee to notify the supervisor shall be grounds for disciplinary action.

In recognition of the dangers of substance abuse in the workplace, The University of New Mexico shall maintain alcohol and drug-free awareness programs to inform members of the University community about the issues and risks of substance abuse, and about counseling, and treatment resources. The University shall assign responsibility for such awareness programs to specific administrative entities, which shall be provided with sufficient resources to develop and maintain the programs. As a matter of policy, any referral, treatment, awareness or primary prevention programs established by The University of New Mexico shall play no role in enforcing or instituting possible disciplinary action.

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

The penalties for even the most minor of violations of the Liquor Control Act can include fines 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.

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

Penalties for illegal drug use can include significant fines and imprisonment, Penalties for the illegal sale of drugs are greater, and may include property confiscation. Alternative penalties for illegal drug or alcohol use may also include mandatory community service. Violation of laws by a foreign national may result in deportation. As required by federal regulations, the following charts detail federal and state sanctions for the unlawful possession or distribution of illicit drugs.

Federal Drug Laws

Drug/Schedule	Quantity
Cocaine (Schedule II)	500 – 4999 gms mixture
Cocaine Base (Schedule II)	5 - 49 gms mixture
Fentanyl (Schedule II)	40 - 399 gms mixture
Fentanyl Analogue (Schedule I)	0 - 99 gms mixture
Heroin (Schedule I)	100 - 999 gms mixture
LSD (Schedule I)	1- 9 gms mixture
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 – 499 gms mixture
PCP (Schedule II)	10-99 gms pure or 100 – 999 gms mixture

Penalties:

First offense: Not less than five years, and not more than 40 years. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual.

Second offense: Not less than 10 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than \$4 million if an individual, \$10 million if not an individual.

Drug/Schedule	Quantity
Cocaine (Schedule II)	5 kgs or more mixture
Cocaine Base (Schedule II)	50 gms or more mixture
Fentanyl (Schedule II)	400 gms or more mixture
Fentanyl Analogue (Schedule I)	100 gms or more mixture
Heroin (Schedule I)	1 kg or more mixture
LSD (Schedule I)	10 gms or more mixture
Methamphetamine (Schedule II)	50 gms or more pure, or 500 gms or more mixture
PCP (Schedule II)	100 gm or more pure, or 1 kg or more mixture



Penalties:

First offense: Not less than 10 years, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.

Second offense: Not less than 20 years, and not more than life. If death or serious injury, life in prison. Fine of not more than \$8 million if an individual, \$20 million if not an individual.

Two or more prior offenses: Life in prison.

Drug/Schedule	Quantity
Other Schedule I & II Drugs (& any product containing Gamma Hydroxybutyric Acid)	Any amount
Flunitrazepam (Schedule IV)	1 gm or more

Penalties:

First offense: Not more than 20 years. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.

Second offense: Not more than 30 years. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual.

Drug/Schedule	Quantity
Other Schedule III drugs	Any amount
Flunitrazepam (Schedule IV)	30 – 999 mgs

Penalties:

First offense: Not more than five years. Fine not more than \$250, 000 if an individual, \$1 million if not an individual.

Second offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

Drug/Schedule	Quantity
All other Schedule IV drugs	Any amount
Flunitrazepam (Rohypnol) (Schedule IV)	Less than 30 mgs

Penalties:

First offense: Not more than three years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Second offense: Not more than six years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

Drug/Schedule	Quantity
All schedule V drugs	Any amount



Penalties:

- ❖ *First offense:* Not more than one year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.
- ❖ *Second offense:* Not more than two years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

State of New Mexico Drug Laws

Drug	Conditions/Quantity	Penalties: Prison and Fines
Methamphetamine PCP Rohypnol, GHB	Possession	18 mos. ≤ \$5,000 (4th degree Felony)
Methamphetamine PCP Rohypnol, GHB	1st Offense Trafficking (to sell, barter, give away, or distribute)	9 yrs. ≤ \$10,000 (2rd degree Felony)
Methamphetamine PCP Rohypnol, GHB	2nd or subsequent Offense Trafficking	18 yrs. \$15,000 (1st degree Felony)
Cocaine/Heroin LSD, other drugs	Possession	≤1 yr. \$500 – 1,000
Prescription drugs	Possession	≤1 yr. \$500 – 1,000 (higher for narcotics)
Cocaine/Heroin LSD Other drugs	1st Offense Trafficking (to sell, barter, give away, or distribute)	≤ 3 yrs. ≤ \$5,000 (3rd degree Felony)
Prescription drugs Cocaine/Heroin LSD, other drugs	2nd or subsequent Offense Trafficking	9 yrs. \$10,000 (2nd degree Felony)
Marijuana – Possession	More than two and up to eight ounces	≤ 1 yr. ≤ \$1,000 (Misdemeanor)
	More than eight ounces	≤ 1.5 yrs. ≤ \$5,000 (4th degree Felony)
Marijuana – Distribution	1st Offense (≤ 100 lbs.)	≤ 1.5 yrs. ≤ \$5,000 (4th degree Felony)
	Subsequent Offenses (≤ 100 lbs.)	≤ 3 yrs. ≤ \$5,000 (3rd degree Felony)
	1st Offense (> 100 lbs.)	≤ 3 yrs. ≤ \$5,000 (3rd degree Felony)
	Subsequent Offenses (> 100 lbs.)	≤ 9 yrs. ≤ \$10,000 (2nd degree Felony)



Marijuana – Distribution to a Minor (someone under the age of 18) by Someone Over the Age of 18	1st Offense	≤ 3 yrs. ≤ \$5,000 (3rd degree Felony)
	Subsequent Offenses	≤ 9 yrs. ≤ \$10,000 (2nd degree Felony)

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

Excessive alcohol consumption and abuse of illicit drugs can lead to certain types of cancer, and pathological changes in the liver, brain, heart and muscle which can lead to disability and death, addiction, birth defects, shortened life span, stomach ulcers, phlebitis, varicose veins, and other health problems. Alcohol and drugs are also a major factor in homicides, assaults, rapes, suicide, family and 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, or 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 Center Health Education Program (277-7947) or the UNM Campus Office of Substance Abuse Prevention (277-2795). The following chart (figure 3) lists the possible effects and health risks associated with the use of illicit drugs and controlled substances.

Campus Resources for Addressing Substance Abuse

All members of the UNM community can play an invaluable role in helping themselves or others who are in distress. If you are concerned about the alcohol or other drug use of yourself or another, please contact one of the resources below. Confidential consultants, individual assessments and education are available.

Campus Resources for Students Experiencing Substance Abuse or Addiction

Health and Counseling Center	Phone and/or Email	Physical Address
Student Health and Counseling (SHAC)	505-277-3136	Student Health and Counseling Building 73 Albuquerque, NM 87106
Campus Office of Substance Abuse Prevention (COSAP)	Phone: 505-277-4108 Email: cosap@unm.edu	Mesa Vista Hall, 3 rd Floor Room 3057 Albuquerque, NM 87106

Campus Resources for Faculty and Staff Experiencing Substance Abuse or Addiction

If you are concerned about your own, an employee's, or a colleague's alcohol or drug use, contact the CARS program. The intent of CARS is not to intrude into the private lives of University employees, but rather to provide services for those who choose to request help with their problems. Your contact with



CARS is confidential within the limits of applicable law and ethical guidelines. Individual assessments, short-term counseling, consultation, and referrals are available. CARS also offers presentations on a variety of topics, voluntary mediation services, group crisis intervention, and teambuilding.

Resource Center	Phone	Physical Address
Counseling, Assistance & Referral Services (CARS)	505-272-6868	1800 Mesa Vista Rd NE Albuquerque, NM 87106
Human Resources	505-277-6947	1700 Lomas Blvd NE Albuquerque, NM 87106

Other Campus and Community Resources

Campus/Community Resource	Phone and/or Email	Physical Address
AGORA Crisis Center	Phone: 505-277-3013 Email: agora@unm.edu	1820 Sigma Chi NE Albuquerque, NM 87106
Taos Behavioral Health	Phone: 575-758-4297 Email: info@taosbehavioralhealth.org	105-B Bertha Taos, NM 87571
Rio Grande ATP, Inc.	Phone: 575-737-5533	105 Paseo Del Cañon W Suite A Taos, NM 87571
Suicide & Crisis Lifeline (new)	Phone: 988	N/A
New Mexico Area 46 Alcoholics Anonymous		St James Episcopal Church 208 Camino de Santiago Taos, NM 87571 Online meeting listing: https://nm-aa.org/meetings/?tsml-day=any&tsml-type=ONL
UNM Employee Wellness	Phone: 505-277-6947 Email: hrbenefits@unm.edu	1700 Lomas Blvd NE Albuquerque, NM 87106
UNM Center for Occupational Environmental Health Promotion	Phone: 505-272-2321 Email: unmsominfo@salud.unm.edu	915 Camino de Salud NE Albuquerque, NM 87106



Weapons

[Section 2.1 of the University Business Policies and Procedures Manual 2210 \(Campus Violence\)](#) governs the authorization of certain individuals to carry, and the prohibition of, weapons on UNM property.

Weapons Prohibited on University Property

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

If any person does carry such weapons and/or materials on campus, the weapons and/or materials may be impounded by a law enforcement officer for the duration of the person's stay on campus and the person may also be subject to appropriate disciplinary and/or criminal action.

Items that UNM does allow on UNM Campuses for self-defense purposes include:

- Pepper spray in a container no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than 10%
- Stun guns with a maximum amperage of 5 milliamps

The [UNM Weapons Policy](#) is provided in its entirety in the [UNM Pathfinder online](#). A print version of the UNM Pathfinder is available in the Facilities Manager's Office located at 1157 County Rd 100, Ranchos de Taos, NM 87557.

*Law enforcement officers, in the performance of their authorized duties, may carry weapons on campus. ROTC students conducting required and supervised drills may carry inoperable weapons only for the purpose of those drills.

CRIME PREVENTION AND AWARENESS PROGRAMS

UNM offers many safety and security awareness and crime prevention programs on campus for both new and current students and employees. These programs are designed to inform UNM community members about campus security procedures and practices, encourage students and employees to take responsibility for their own security and the security of others, reduce risks associated with dating violence, domestic violence, sexual assault, stalking, and other crimes. UNM encourages everyone in good faith to take advantage of the many programs and courses that are available to all. Program and campaign titles containing an asterisk (*) denote those that promote the awareness of sexual assault, domestic violence, dating violence, and stalking. For additional information and updates on campus safety initiatives and programs available to new and current students and employees, visit the [UNM Campus Safety page](#) at <https://campussafety.unm.edu/>.



SECURITY AWARENESS PROGRAMS AND CAMPAIGNS FOR NEW STUDENTS AND EMPLOYEES

*New Student Orientation**

To help new Lobos get acquainted with UNM, all incoming students complete the [New Student Orientation \(NSO\)](#) program in their first year. NSO provides the opportunity to learn about campus resources, make connections with faculty and staff, and register for courses. During NSO, students participate in virtual and in-person workshops before their first semester of enrollment about a variety of safety and security topics to include issues surrounding sexual assault, domestic violence, dating violence, and stalking. NSO materials explicitly state that UNM prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking, and provides participants with ways to report these crimes to the police and CEEO. During NSO, incoming students receive information from the Title IX Coordinator about UNM's policies prohibiting the crimes of sexual assault, domestic violence, dating violence, and stalking. They are also provided with information on reporting these and other crimes to the police and CEEO and taking advantage of UNM's campus escort service through High Desert Security.

*New Employee Experience**

New employees are required to complete the online *Your Lobo Journey* orientation training during the onboarding process, which contains modules related to discrimination, gender-based violence, conflict resolution, and crisis management. Onboarding employees must also attend a virtual New Employee Information Session in which they view presentations from various departments and are resourced with information about campus safety and security, reporting crimes, sexual misconduct, and campus violence. The *Your Lobo Journey* presentation explicitly states that UNM prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking. They are also provided with information on reporting these and other crimes to the police and CEEO and taking advantage of UNM's campus escort service.

*Tabling**

During New Student Orientation, areas from across campus set up tabling displays targeted at incoming students to share information about crime reduction and prevention, healthy relationships, consent, and general safety topics.

Information Privacy and Security Awareness

This mandatory and on-demand training for new employees provides participants with strategies for keeping information online private and helping prevent cybercrimes.

Crime Prevention and Awareness Programs and Campaigns for Current Students and Employees

*Think About It**



[Think About It](#) is a 45-minute online learning module that addresses various topics students may encounter over the course of their college experience. This includes healthy and unhealthy relationships, sexual misconduct, survivor support, alcohol and sex, and bystander intervention.

Think About It is required of all UNM students each year (following the completion of the in-person Grey Area training for qualified students). An invitation for the training is sent to students' UNM email accounts each fall.

*Protect the Pack**

This is UNM's campaign to promote several safety related items, including being a good bystander and protecting fellow students by "Protecting the Pack" – a play on protecting fellow students and employees (Lobos).

*Campus Safety Summit**

New in 2023, UNM's Main Campus moderates an Annual Campus Security Summit during Campus Safety Week. The first Summit, hosted by the UNM Safe Campus Living Task Force, provided a platform for representatives from various safety and security initiatives across campus to present their work to each other and to stakeholders from virtually every sector of the University and the larger community in person and over livestream.

*Coordinated Community Response Team**

The UNM Coordinated Community Response Team (CCRT) is a multi-disciplinary collaborative comprised of university and community partners. This partnership is committed to:

- Facilitating evidence based mandatory education and prevention
- Tailored, trauma-informed, victim-centered responsiveness
- Promoting accountability and policy that is reflective of this commitment.

UNM's CCRT is a part of the University's overall efforts to improve our campus's response in addressing sexual assault, domestic violence, dating violence, and stalking. The CCRT is a coordinated response team composed of community and university organizations that are committed to increasing prevention and education efforts to reduce sexual, domestic and dating violence on campus, while providing services that keep victims' experiences and healing the priority. Our goal is to ensure that all members of our campus community have awareness of, and access to, trauma-informed, culturally sensitive services that are both effective and responsive to everyone's unique needs.

All working committees include a focus on the following areas: (1) Social Justice, Equity and Cultural Sensitivity, (2) Student leadership, Staff and Faculty Engagement, and (3) Trauma-Informed, Victim-Centered Services.



e-CHUG

In the spring of 2011, COSAP worked with the Dean of Students staff to add an online alcohol assessment to the NSO experience. As students register for their mandatory orientation program, the online procedures include instructions on how to complete the Alcohol eCHECKUP TO GO (e-CHUG) before their scheduled orientation date. While the instruction to complete the e-CHUG has not yet been made mandatory for entering or current students, we encourage all UNM students to complete e-CHUG. The e-CHUG is effective in studies of various student populations at a variety of colleges including UNM and methods for increasing its adoption among entering first-year students are being considered.

*Tabling**

Throughout the year, areas from across campus set up tabling displays targeted at incoming students to share information about crime reduction and prevention, healthy relationships, consent, and general safety topics.

*Safety and Crime Prevention Tips**

UNM departments provide tips on ways individuals can help protect themselves, their loved ones, their property, and their community from crime. Paper brochures, flyers, and other literature are distributed across various locations on campus and several departments post crime prevention tips on their websites and social media pages throughout the year.

*Training**

Support sites on campus such as the Women's Resource Center, LoboRESPECT, and the LGBTQ Resource Center host trainings throughout the year on prevention-focused topics. Topics include active attack response, personal safety, reporting suspicious activity, and preventing gender-based violence.

*Sexual Assault Prevention**

The LoboRESPECT Advocacy Center offers various resources and training presentations on sexual assault prevention. Topics include consent, active bystander intervention, healthy and unhealthy relationships, and avoiding dangerous situations.

Safety Planning Workshops

Resource centers on campus such as the Women's Resource Center (WRC), LoboRESPECT Advocacy Center, and LGBTQ Resource Center specialize in working with individuals to develop safety plans for any number of reasons. Students and employees can visit any of the centers or access safety and security safety planning information and obtain guidance from an experienced Campus Advocate.*



Protect the Pack

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

Safe Spaces and RIMA Workshops and Presentations

UNM Division for Equity and Inclusion (DEI) explores the experiences of BIPOC4 (Black, Indigenous and People of Color, to include individuals identifying as Asian/API, Latinx, and/or Multiracial), persons with disabilities, and LGBTQIA undergraduate and graduate students at UNM and designs appropriate interventions to enhance UNM's inclusive climate. DEI offers Racial & Intersectional Microaggressions (RIMA) presentations and workshops throughout the year. Scheduled events are posted on the Campus Climate website.

Safe Zone

Safe Zone training is a capstone program of the UNM LGBTQ Resource Center. The four-hour training covers topics such as: Intersections of Identity, Microaggressions, the Coming Out process, creating equitable spaces for transgender individuals, and more. The LGBTQ Resource Center provides Safe Zone training events in person and online throughout the year.

e-CHUG

In the spring of 2011, COSAP worked with the Dean of Students staff to add an online alcohol assessment to the NSO experience. As students register for their mandatory orientation program, the online procedures include instructions on how to complete the Alcohol eCHECKUP TO GO (e-CHUG) before their scheduled orientation date. While the instruction to complete the e-CHUG has not yet been made mandatory for entering or current students, we encourage all UNM students to complete e-CHUG. The e-CHUG is effective in studies of various student populations at a variety of colleges including UNM and methods for increasing its adoption among entering first-year students are being considered.

Curriculum Infusion

COSAP to this date remains open to incorporating alcohol and other drug-related issues into courses required of first-year students and working with instructors, Chairs and Deans of the departments that provide undergraduate degrees to share and present information to students. COSAP continually provides presentations to class sections in a variety of disciplines and strives to incorporate its prevention message into class content.

The Barrier Necessities Program

To decrease the transmission rate of sexually transmitted infections (STIs) among sexually active UNM students and to ensure all students have the option to protect themselves and others, SHAC facilitates



[The Barrier Necessities](#). This program is an expanded condom distribution initiative (implemented on October 17, 2011), to ensure UNM students have access to free condoms and dental dams without obstacles year-round. SHAC also provides resources and materials online and at the center, such as [Safer Sex](#) tips.

Preventing Discrimination and Harassment

UNM is committed to educating members of its campus community through a number of ongoing educational and awareness programs. All employees must complete this mandatory training as part of employee orientation and on an annual basis, which is the primary prevention and awareness program for faculty and staff. The online training module raises awareness on the various topics of discrimination, harassment and sexual violence. Intersections include animated scenarios, skill practices, UNM policies and resources, and sound and closed caption (CC) capability. The training is one hour in length for both faculty and staff, and provides:

- A discussion on sexual misconduct, specifically the definitions and prevention strategies for dating violence, domestic violence, sexual assault and stalking, which are prohibited under UNM [Policy 2740](#)
- The meaning of “consent” pursuant to UNM [Policy 2740](#)
- Positive and safe bystander information
- Information on reporting incidents of sexual violence, domestic violence, dating violence, stalking, including anonymous reporting options and a description of whom UNM designates as mandatory reporters
- UNM’s response to reports of incidents of sexual assault, domestic violence, dating violence, or stalking and parties’ rights within disciplinary proceedings

Active Shooter on Campus: Run, Hide, Fight.

This training module is included in UNM’s mandatory training for new employees and is available on demand. [Run, Hide, Fight](#). demonstrates techniques for reducing harm and risk during an active shooter incident for individuals and those around them. Like other crime prevention programs on campus, Run, Hide, Fight empowers employees and others to take responsibility for their own safety to the greatest extent possible.

Campus Safety Escorts

UNM offers escort services upon request through the Facilities Department and High Desert Security to anyone needing an escort from an on-campus location to another on-campus location during operating hours, six days a week at no charge to students or employees. Call 575-737-6272 for more information.

*The Grey Area**

UNM provides mandatory sexual misconduct prevention training called [The Grey Area](#) to all qualified UNM students. The Grey Area is a one-time, in-person session that is required of all UNM students currently enrolled in six credits or more in a degree-granting program with a regular presence on campus.



This includes Branch Campus students and those enrolled at the Health Sciences Center and UNM Law School. Individuals can [register for a free The Grey Area training session online](#).

*Know Your Title IX**

The [Title IX Coordinator](#) within [CEEO](#) provides free training throughout the year to various groups of students, faculty, and staff on all UNM campuses on Title IX topics to include policy and investigatory procedures, understanding the most recently updated regulations, exploring newly proposed regulations, and sexual violence prevention. The Title IX Coordinator tailors presentations to the needs of various audiences such as Campus Security Authorities (CSAs) and student housing staff. Individuals and groups can request online and in-person training using the online [CEEO Training Request Form](#). All TIX training presentations begin with a statement about UNM's policy prohibiting the crimes of sexual assault, domestic violence, dating violence, and stalking.

*Campus Security Authority (CSA) Training**

CEEO provides training for newly designated and current Campus Security Authorities (CSAs) online through Learning Central and the CSA member section of the [UNMPD webpage](#), and in person at the beginning of the school year to those CSAs who are heavily involved in campus activities (e.g., student housing staff). Attendees learn how to efficiently and effectively fulfill their roles and responsibilities as CSAs under the Clery Act as well as ways to detect, prevent, and report crimes on campus.

RISK REDUCTION STRATEGIES

All members of the UNM community are encouraged to develop sound decision-making habits and lifestyles that enhance their safety and that of those around them. Anticipating and reducing risks empowers all individuals to take responsibility for their safety and security, lessening their potential to be a victim of sexual assault, domestic violence, dating violence, stalking, and other crimes.

The following is a list of tips individuals can use to help reduce their risk of being the target of crime at UNM. These tips are also embedded in the various safety, security, and crime prevention programs, courses, and tabling events available and/or mandatory for new and current students and employees.

The reminders included below are not intended to cast blame on individuals who do become or have been victims of crime. The person who commits a crime is the only one responsible. The tips that follow are intended as strategies for reducing individuals' risks of being targeted.

Personal Safety and Sexual Assault Prevention Tips:

- Exude confidence--walk upright, make eye contact, face others directly, and speak clearly.
- Be aware of how alcohol, prescriptions, and illegal drugs may affect or impair you—especially in a social setting.
- Avoid unlit areas. Some criminals break lights on purpose.



- Always avoid walking or running with earbuds and be aware of your surroundings.
- Communicate with your office, friends, or family about your whereabouts.
- Be aware of personal information you broadcast on items like car decals, jewelry, bags, and license plates.
- When interacting with others, pay attention to how they act--not just what they say.
- Carry a cell phone. Keep track of addresses, street names, and landmarks nearby so you can quickly tell someone where you are if you need to call for help.
- Never, ever, leave your drink unattended. If you do leave your drink unattended for any amount of time in a social setting, get a new one and watch all your drinks being prepared or opened. One option to avoid being served an unknown drink or drug is to bring your own alcohol and drink only it. That way, you will know what is in it and how much you have consumed.
- Some of the drugs predators use to incapacitate their targets do not show obvious signs. A person under the influence of Rohypnol (or "roofies"), for instance, might appear to be acting completely normal and may even reassure their friends they're ok to be left alone. Make a pact with your friends when you go out to a party, restaurant, or event to come back home together.
- If all an attacker wants is your bag or other material possession, let it go and call the police.
- Wear clothing that is non-restrictive. Keep a second pair of shoes in your car, bag, or backpack in the event you end up in an unfamiliar or unsafe area.
- Never give out your personal phone number, address, family or travel plan details to a stranger or someone you do not trust.
- Avoid offers of unsolicited help and anyone who does not take "no" for an answer if you decline their help.
- Avoid opening or closing an office or classroom alone. Pair up with someone to study or work late or let others know where you are and when to expect you back.
- Walk with others after dark or use High Desert Security's Campus Escort Service.
- Never prop doors to residence halls or other campus facilities open or let others piggyback behind you as you key or fob in.
- Follow your instincts. If something does not seem right, follow your gut and go to a safe location.
- Always report suspicious activity to Campus Security and/or law enforcement.

Travel and Transportation Safety:

- When approaching your vehicle or home, carry your key in hand. Make it a habit to lock the doors immediately once you close the door.
- Always keep your gas tank at least half-full, plan your trips, and familiarize yourself with your travel destination to avoid having to stop unplanned in an unfamiliar or unsafe place.
- The second you get into a vehicle, lock the doors. Otherwise, you are a vulnerable target for anyone with bad intentions—especially if they saw you leave the pharmacy with prescriptions, the ATM with cash, or the Bookstore with Lobo merch!
- Keep doors locked and windows up when making frequent stops, and always when pumping gas.
- Park in well-lit locations, preferably those that are monitored or have heavy foot traffic, and that are free of visual obstacles that may block your line of sight while entering or exiting your vehicle. Consider backing into your parking space so it is easier to exit the area quickly if you need to.



- If you are approached while in your vehicle and feel as if you are in danger, stay inside with the windows up and doors locked. Call the police, leave the area, or both.
- Never accept rides from or offer rides to strangers, and report hitchhikers to the police.
- Limit the amount of time you spend waiting on a train platform or at a bus stop and always have your fare and/or ID in hand.
- When riding the bus, sit close to the driver and make sure they see you. If anyone bothers you on the bus, yell loudly at them to stop, bringing attention to other riders and the driver.

Reducing Risk at Home and in Student Housing:

- Never leave rocks or other loose, heavy objects near glass doors or windows. Having them nearby makes it tempting and easy for someone to pick one up and use it to break the glass.
- Be aware of things around your home that could serve as natural climbing devices. A few examples are tall trees, ladders, fencing, or vehicles. Keep all your windows locked (or pinned so they only open a certain amount) at all times—regardless of which story they are on.
- Never store your spare key around your home or in/on one of your vehicles. Instead, ask a neighbor you trust to hang on to your spare key. Preferably, the neighbor is one who is frequently home and likely to be available whenever you might need your key. Change or rekey your locks every time you move into a new home or apartment, or when the security of your keys is compromised.
- Keep exterior windows and doors locked at all times, even when you are home, to avoid becoming a victim of opportunistic assault by a burglar.
- Make sure every exterior door on your home has a high-quality, working light above it. If you live in student housing, report any lighting outages on your building to your Resident Advisor or Hall Coordinator.
- Rekey the locks of any new apartment or home.
- Flowers, tall grass, and other attractive ground cover can help keep people off areas where you do not want them to walk, drive, or park. Trim shrubs down to a height no taller than two feet (2') and tree branches are pruned up to a height no less than eight feet (8') off the ground. You can also apply this rule of thumb to spaces around your home's doors and windows, where you park, and near amenities you use regularly, such as a mailbox. Keep shrubs and trees pruned away from windows, doors, lights, and cameras.
- Ask a trusted neighbor to help make your home look occupied while you are away on vacation or other travel.
- Make it obvious to visitors which door you want them to use. You can do this with elements like low walkway safety lights, low shrubs, potted plants, pavers, or other decorative items along the walk leading up to the front door.

Reducing Risk Online:

- Avoid broadcasting personal details about issues you are having in your personal life. Oversharing makes you vulnerable to bad actors, like human traffickers and stalkers who are looking for victims to target. NEVER broadcast information...



- ...about your whereabouts or routines
- ...about problems at home
- ...about your relationship troubles
- ...about financial problems
- ...you wouldn't want someone else to pass forward

- If you decide to meet someone in person who you met online, have a safety plan in place. Meet in a public place or with a group of your friends. Let others know what your plans are and when you'll be back so they can check on you.
- Consider making your social media accounts private and only inviting others who you know and trust to interact with you via social media.
- Be aware of personal information you disclose on social media, such as your location or where you live. Consider making your social media accounts private and only inviting others who you know and trust to interact with you via social media.
- Be an awesome friend and if you can't, then be a good human. If someone expresses concern about someone they met online or in person, listen.
- Take steps to [avoid becoming a victim of sexual exploitation](#)

Active Bystander Intervention Education

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

Steps to becoming an active bystander:

1. Notice a situation that is out of the ordinary. Does your "gut" tell you something is wrong?
2. Ask yourself "Could I play a role here?"
 - If no one intervenes, what will likely happen?
 - Is someone else better equipped to respond?
 - What would be my purpose in responding?
3. Assess your options for providing help. Use your words; don't use violence to end violence.
4. Determine the potential risk(s) of taking action.
 - Are there risks to myself and/or others?
 - Is there a low-risk option?
 - How could I reduce risks?
5. Determine how to implement your choice(s) safely.

Protect the Pack!



CRIMES INVOLVING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING (DVSAS)

The University of New Mexico strictly prohibits all forms of sexual assault, domestic violence, dating violence, and stalking. [UAP 2720: Prohibited Discrimination and Equal Opportunity](#), [UAP 2740: Sexual Harassment Including Sexual Assault](#), and federal law provide the University with the authority and responsibility to respond in cases involving these crimes.

First Steps to Consider Following an Incident Involving Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you or someone you know has experienced sexual assault, domestic violence, dating violence, or stalking, you have options. Consider taking the following steps as soon as possible to protect yourself--and maybe even others--in the immediate to long-term aftermath of an incident.

Seek Timely Medical Attention

It is important to seek medical attention as soon as possible. The [Sexual Assault Nurse Examiner \(SANE\) Program at Holy Cross Medical Center](#) has compassionate, professional Sexual Assault Nurse Examiners who are specially trained to collect necessary physical and forensic evidence. This evidence, which may only be available immediately after an incident involving assault, can be preserved--regardless of whether you choose to report the perpetrator immediately, at a later time, or never at all. Even if you do not opt for forensic evidence collection, health care professionals can also treat injuries and take the necessary steps to address concerns of pregnancy and/or sexually transmitted infections. You can also seek medical care elsewhere, however, it is important to note that only SANE can collect forensic evidence.

Local Medical Resources:

[Holy Cross Hospital](#)

1397 Weimer Rd
Taos, NM 87571
575-758-8883

SANE | 575-751-8990

[NextCare Urgent Care](#)

9 a.m. to 7 p.m.
575-758-1414
330 Paseo del Pueblo Sur
Taos, NM 87571



Preserve Evidence

Even if you are unsure whether they want to report an assault or pursue a complaint, it is important to preserve evidence of any assault as soon as possible. Preserving evidence within the hours and days following an assault helps ensure legal options later on. Saving screenshots of texts, photos, and other communication, storing urine in an airtight container, bagging your unwashed clothes and bedding in separate paper bags, and avoiding the shower before a [SANE](#) exam are examples of ways you can preserve information that might be able to help investigators should you choose to report.

If you did not follow all these steps, don't panic. Call a trusted friend, family member, or someone else who can provide emotional support, and continue exploring this guide to learn about your options and UNM's responsibilities to you.

Defining Sexual Assault, Domestic Violence, Dating Violence, and Stalking

The definitions section below provides a side-by-side list of definitions for sexual assault, domestic violence, dating violence, and stalking that UNM uses in its resolution processes under UAP 2740 (Title IX) and UAP 2720 (Equal Opportunity) and that law enforcement uses to pursue criminal charges against an offender under New Mexico state law.

This list provides New Mexico state laws related to sexual misconduct and stalking as a reference to help victims of sexual misconduct and stalking understand their options should they choose to pursue criminal charges against their offender. However, the criminal definitions listed in it are not all-inclusive. UNM encourages anyone who experiences sexual 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.

Definitions Applied by UNM in Compliance with the Clery Act and Violence Against Women Act	Definitions Applied by the State of New Mexico
<i>Rape.</i> 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.	Criminal Sexual Penetration (Rape). Non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
<i>Fondling.</i> The touching of the private 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.	Criminal Sexual Contact. Non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.
<i>Incest.</i> Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.	Criminal Sexual Penetration in the 4th Degree. Intermarriage or sexual intercourse with anyone known to be an offender's parent, child, grandparent of any degree, grandchild of any



	degree, sibling (in whole or half-blood), uncle, aunt, nephew, or niece
<i>Statutory Rape.</i> Sexual intercourse with a person who is under the statutory age of consent	Criminal Sexual Penetration in the 4th Degree. All criminal sexual penetration perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child
<p><i>Stalking.</i> Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—</p> <p>Fear for the person’s safety or the safety of others; or</p> <p>Suffer substantial emotional distress.</p> <p>For the purposes of this definition—</p> <p>Course of conduct means two or more acts, including, but not limited to, acts 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.</p> <p>Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.</p> <p>Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p>	<p>Stalking. Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual. A “pattern of conduct” is two or more acts that happen on more than one occasion.</p> <p>Aggravated Stalking. Stalking perpetrated by a person:</p> <ul style="list-style-type: none"> who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking; in violation of a court order setting conditions of release and bond; when the person is in possession of a deadly weapon; or when the victim is less than sixteen years of age <p>Harassment. 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.</p>
<p><i>Domestic Violence.</i> Felony or misdemeanor crime of violence committed—</p> <p>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;</p> <p>By a person similarly situated to a spouse of the victim under the domestic or family violence laws</p>	<p>Domestic Violence. An incident by a household member against another household member consisting of or resulting in:</p> <ul style="list-style-type: none"> physical harm; severe emotional distress; bodily injury or assault; a threat causing imminent fear of bodily injury by any household member; criminal trespass;



<p>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.</p>	<p>criminal damage to property; repeatedly driving by a residence or work place; telephone harassment; harassment; or harm or threatened harm to children.</p> <p>A "household member" is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co- parent or a child, or a person with whom someone has had a continuing personal relationship.</p>
<p><i>Dating Violence.</i> Any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.</p> <p>For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.</p> <p>Dating violence does not include acts covered under the definition of domestic violence.</p>	<p>The state of New Mexico does not explicitly define Dating Violence. Under the New Mexico Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member.</p> <p>Any of the felony and misdemeanor crimes enumerated as domestic abuse in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.</p>

Consent

What Is Consent?

The State of New Mexico does not specifically define "consent." However, UNM [defines consent](#) in UNM Policy 2740 as 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.

CEEO, the Title IX Coordinator, and the Clery Coordinator apply UNM's definition of consent to investigative processes regarding any violation of policy or law that involves an incident of alleged sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct or harassment.



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.

Sexual activity will be considered to have occurred "without consent" if no clear act or statement is given. Consent may not be inferred from silence, passivity, or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from their partner. Being intoxicated or under the influence of other drugs does not diminish one's responsibility to obtain consent.

Incapacitation and Consent

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent.

The use of alcohol or drugs can limit or prevent a person's ability to freely and clearly give consent. If a person is under the influence of alcohol or drugs such that they are unable to give meaningful consent or understand the fact, nature or extent of the sexual situation, there is no consent. Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. Because it may be difficult to discern whether a sexual partner is incapacitated, it is better to err on the side of caution and assume that your partner is incapacitated and unable to give consent to the sexual activity.

In addition to alcohol or drugs, if a person's mental, physical, or psychological disability (temporary or permanent) or age impairs their ability to make an informed decision to willingly engage in sexual activity, there is no consent. Examples include but are not limited to: when an individual is incapacitated, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, threatened, isolated, or confined.

Administrative Policy 2740: Sexual Harassment Including Sexual Assault

The University of New Mexico prohibits discrimination on the basis of sex (including gender, sex stereotyping, gender expression, and gender identity). Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination. Sex discrimination is a violation of Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the New Mexico Human Rights Act, NMSA 1978, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14; the Student Code of Conduct; Regents' Policy 2.5; the Faculty Handbook; the Visitor Code of Conduct; and this [Administrative Policy 2740](#).



UNM is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, UNM has developed policies and procedures that provide a fair, prompt, and impartial process for those involved in allegations of harassment or discrimination on the basis of protected class status. UNM values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in what is often a difficult time for all involved.

For the purposes of this policy, sexual harassment, dating violence, domestic violence, and stalking are collectively referred to as “sexual harassment.” Sexual harassment subverts the mission of the University and threatens the careers of students and employees.

As more fully described in Section 8, this policy applies to allegations of sexual harassment made by or against a student, staff, or faculty member that occur within the course of a UNM program or activity or have continuing adverse effects on campus. If the circumstances giving rise to the allegations are related to UNM’s educational programs or activities, this policy may apply regardless of the affiliation of the parties to the University. The University is committed to responding promptly and fairly to every allegation of sexual misconduct. This policy addresses conduct that may be covered by Title IX, Title VII, the Faculty Handbook, University Administrative Policies and the Student Code of Conduct. Allegations may be covered by one or more of the aforementioned laws/policies.

Sexual harassment may be committed by anyone, including a stranger, an acquaintance, a friend, or someone with whom the reporting party (Complainant) is involved in an intimate or sexual relationship. Individuals who have experienced sexual misconduct are encouraged to report what happened to law enforcement and to seek assistance from any of the campus resource offices or community resources referenced in Section 2 of this policy. A report of sexual harassment will be taken seriously and addressed in accordance with UNM policies and procedures.

Administrative Policy 2720: Prohibited Discrimination and Equal Opportunity

The University of New Mexico is committed to providing a safe and inclusive environment that draws on the diversity of its members. The University prohibits discrimination, harassment, or related retaliation based on protected class (as defined in Section 2) in any educational and work environment. It is critical to this commitment that anyone who experiences, witnesses, or is aware of such discrimination, harassment, or retaliation report the behavior pursuant to this [Administrative Policy 2720](#).

Prohibited Discrimination

This policy applies to the programs and activities of UNM, to conduct that takes place on the campus or property owned and controlled by UNM, a UNM-sponsored event, or in buildings owned or controlled by UNM or UNM’s recognized student organizations.



This policy can also apply to the effects of off-campus misconduct that effectively deprives someone of access to UNM work or educational programs including cyber harassment.

Regardless of where the conduct occurred, UNM will address complaints filed pursuant to this policy to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial UNM interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of UNM.
- All vendors serving UNM through third-party contracts are subject to the policies and procedures of their employers (or to these policies and procedures to which
- Any member of the University community or visitors whose acts deny, deprive, or limit the educational or employment [or residential and/or social] access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above violates this policy.

Reporting an Incident of DV/SAS

Members of the UNM-Taos community who have experienced, witnessed, observed, encountered, or become aware of an incident involving sexual assault, domestic violence, dating violence, or stalking, have a variety of options available to them. They may report the crime to the police, pursue administrative investigative grievance options including investigations, request supportive measures, and seek confidential resources to help them continue learning and/or working at UNM.

In addition to the option of reporting to the police at any time, victims of sexual assault, domestic violence, dating violence, and stalking have the option of filing an informal or formal complaint about their experience to any UNM employee and/or the Title IX Coordinator. CEEO responds to all reports of sexual assault, domestic violence, dating violence, and stalking and initiates an investigation upon receiving a formal complaint.

Whether or not you ask to remain anonymous, public records maintained about sexual violence and misconduct do not include personally identifying information about the victim of any sex crime. 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.

The table below outlines the main differences between UNM's administrative resolution process and the criminal investigative process, which in many cases, run alongside each other.



	Administrative Investigations	Criminal Investigations
Who takes the initial complaint?	UNM’s Office of Compliance, Ethics & Equal Opportunity (CEEO), which includes the Title TIX Office, Clery Office, and Equal Opportunity	The Town of Taos Police Department (TPD) or another commissioned law enforcement agency jurisdiction
Who investigates?	Trauma-informed university officials within the CEEO without a conflict of interest or bias for either party	Trauma-informed law enforcement professionals, to include sworn officers and detectives
What is the purpose?	To determine whether a violation of University policy has occurred	To determine whether a violation of local, state, or federal law has occurred
Who has to participate?	Participation is voluntary for all parties	There is no obligation to speak with the police about an ongoing investigation
What standard of evidence is used?	Policy violation determinations are made based on a preponderance of the evidence	To be found guilty of a crime, an offender and must be found responsible beyond a reasonable doubt
Who decides the outcome?	Trauma-informed Hearing Officer within UNM’s Hearing Office (HO)	A court of law
What happens once a determination is made?	If someone is found in violation of University policy, the University will impose a sanction. Sanctions can range from a verbal warning to expulsion or termination of employment. The complainant (or victim) may also be provided additional remedies as a result.	If someone accused of a crime is found guilty or confesses, the judge will impose a sentence. This can include paying a fine, going on probation, following certain rules, or serving time in jail or prison.

Reporting to Law Enforcement

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. Should you decline to involve law enforcement, you may change your mind at any time.

[Town of Taos Police Department \(TPD\)](#)

575-758-4656
 400 Camino de la Placita
 Taos, NM 87571



[Taos County Sheriff's Office \(TCSO\)](#)

575-758-3361
599 Lovato Pl
Taos, NM 87571

[New Mexico State Police \(NMSP\)](#)

575-758-8878
241 Paseo Del Cañon E
Taos, NM 87571

What to Expect After Filing a Police Report

When the police receive a report of a crime, a patrol officer is typically the first to respond and speak with the person reporting the crime, along with any other parties present such as victims, alleged offenders, and witnesses. Typically, officers with training in trauma-informed investigations investigate gender-based crimes such as sexual assault, domestic violence, dating violence, and stalking, and depending on the situation, may be the first to respond. UNM encourages you to inquire about officers with this type of training when you call law enforcement.

The police will ask for a victim to tell their story. In some cases, a victim might have to repeat what happened to them more than once, especially if they choose to pursue a formal complaint to initiate an administrative investigation with CEEO. In addition to the victim's statement, officers will try and 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 (DA's) Office to prosecute in court.

You are in the driver's seat when it comes to pursuing criminal charges against another person or persons. If you decide to cooperate with a prosecution that the DA's Office agrees to see through, you might have to appear in court. There are court advocates who can provide you with one-on-one support every step of the way.

Crimes involving interpersonal and gender-based violence are not easy to solve or prosecute in court. These types of cases might drag on for several months--even years--and no one can predict the results. However, no outcome in a disciplinary hearing or courtroom can dictate or erase what you personally experienced. Continue to seek counseling, talk to survivors, and lean on your network of support.

Filing a Complaint with the University

If you believe someone—regardless of whether they are a student, staff, or faculty member—has violated University policy by engaging in an activity involving sexual assault, domestic violence, dating violence, or stalking, you have the choice of submitting an informal complaint or a formal complaint at the University. Making a report to an employee at the University of New Mexico about an incident involving an alleged sexual assault, domestic violence, dating, violence, or stalking will initiate a chain of communication with the Title IX Coordinator within CEEO.



All UNM employees are considered Responsible Employees, which means they are required to report any and all information they receive about incidents involving sexual assault, domestic violence, dating violence, and stalking to the Title IX Coordinator within UNM's Office of Compliance, Ethics & Equal Opportunity (CEEEO).

Some employees such as housing staff, security personnel, and athletics coaches are also designated as Campus Security Authorities. Under the Clery Act, these employees are required to report all Clery crimes, including sexual misconduct and stalking, brought to their attention or that they witness to the Clery Coordinator, also within CEEEO. Confidential support sites are required to provide non-identifying, statistical data on reports they receive to the Clery Coordinator to allow the University to meet its obligations under the Clery Act. A victim's personal information reported to a confidential support site is always held confidential and is never published or provided in any crime statistic, crime log, or campus notification.

Certain locations on campus are designated as Confidential Reporting Sites. The UNM employees at these sites are not required to report sexual assault or misconduct to the Title IX Coordinator and can provide you with the assistance, resources, and support you need should you choose to speak with someone but wish to remain anonymous.

UNM encourages individuals who have experienced an incident involving DV/SAS to speak with a confidential support center to explore their options before deciding whether or how to report it. The same sites can assist complainants with accessing accommodations or protective measures. Supportive measures are available following a disclosure, no matter which reporting path a student or employee decides to take.

UNM community members can report alleged incidents involving sexual assault, domestic violence, dating violence, and stalking directly to CEEEO by one of the following means.

- Complete and submit an [online CEEEO complaint form](#);
- Email (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 a CEEEO employee;
- Walk-in at CEEEO's office (609 Buena Vista Dr NE, Albuquerque, NM 87106) during regular business hours; or
- Call 505-277-5251.

Amnesty

UNM encourages reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to UNM officials or participate in grievance processes because they fear that they themselves may violate certain policies, such as underage drinking or use of illicit drugs at the time of the incident.



To encourage reporting and participation, UNM maintains a policy of offering Complainants and witnesses amnesty from minor policy violations, such as underage consumption of alcohol or the use of other illicit drugs, related to the incident.

Restraining Orders and No Contact Directives

Restraining Orders

A Restraining Order is a court order that restricts someone from threatening, harassing, contacting, having a gun, or going near you or your family. Restraining orders are intended to protect people from harassment and are enforceable by law. They are put in place for those who are worried about their safety because someone stalked, threatened, abused, or assaulted them.

There are different types of restraining orders that apply in different situations, and you do not need a lawyer to obtain one.

Orders of Protection

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. The household member does not need to be living in the same home and can be a parent, child, current or former spouse, current or former partner, grandparent, or grandchild. The court can also impose an Order of Protection in cases where someone has been stalked or sexually assaulted by someone who is not a household member.

You can also request a Civil Harassment Restraining Order (Temporary Restraining Order) against someone who is not a household member or someone you are close with. You do not have to have a relationship with someone such as a roommate, neighbor, or coworker to obtain this type of Restraining Order.

Obtaining a Restraining Order

The court can grant a Restraining Order after it receives a statement in the form of a petition or affidavit from the person requesting it. The statement should describe the reasons you are requesting the Restraining Order. A judge may issue the Restraining Order and may set a hearing date within 10 days of doing so to learn more about the allegations.

Assistance with Obtaining a Restraining Order

Every District Attorney's office in the State of New Mexico has a Victim Advocate who works closely with victims throughout the criminal justice process. Advocates can assist victims 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. To find an Advocate, contact the respective court for the district in which the incident you experienced occurred.



No Contact Directives

A No Contact Directive (NCD) is an administrative intervention UNM provides that prohibits contact and communication between two or more students or employees. It is put in place at the request of one or all parties to prevent unwanted contact or harassment. NCDs are mutually enforced directives between the party who requested the NCD and the party who received one. That is, both parties under an NCD are expected to separate themselves from the other party as much as possible and remove themselves from situations that may lead to a violation of the NCD.

Prohibited contact may include any intentional communication in person, in writing, via gesture, over the phone, online, through text message or email, on social media or networking sites (such as through direct messages, friend requests, or tagging a profile), either directly or through a third party.

An NCD is not a disciplinary action and unlike a restraining order which is enforceable by police and the courts, an NCD is an administrative directive and does not carry the force of law.

An NCD does not prohibit two parties from being in the same academic space, such as being in the same class, residence building, student organization, athletic team, or University event or function, and it does not prohibit incidental contact which may include unintentionally passing or seeing the other party.

Requesting an NCD as a Student

The Dean of Students Office issues and enforces NCDs for students. Any UNM student currently enrolled in courses, including non-degree, graduate and professional students, can request an NCD by contacting the Dean of Students Office at 575-737-6212 or patrodr@unm.edu and asking to meet with a Conduct Officer. When asking for an NCD, you will need to share relevant information as to why you are requesting it and how contact with the other party is affecting your learning environment.

Requesting an NCD as an Employee

Employees may contact one of the following offices to discuss their options for obtaining an NCD:

- Office of Compliance, Ethics & Equal Opportunity
- Human Resources

Any UNM staff or faculty member can request an NCD by contacting UNM-Taos' HR Administrator at 10 575-737-6261 or deb@unm.edu.

Supportive Measures and Resources Available to Victims of DV/SAS

For Students

Supportive measures are free, individualized services or adjustments intended to help you maintain access to your education with minimal interference, to the extent possible. Supportive 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.



UNM can accommodate all reasonable requests for supportive or protective measures, regardless of whether the victim chooses to report the crime to campus police or local law enforcement, participate in a formal CEEO process, or identify the perpetrator.

Various departments at the University provide supportive measures for students and collaborate with the Title IX Coordinator on how best to do so. Examples of supportive measures that often benefit students impacted by sexual misconduct or stalking include:

- Accessing counseling, mental health, or medical services
- Adjustments to coursework or class schedules
- Maneuvering administrative and law enforcement resources on campus
- Modifications of work or class schedules
- Student financial aid
- Visa and immigration assistance
- Mutual restrictions on contact between the parties
- Adjustments in the workplace or with scheduling
- Help navigating housing contracts, relocation, or other housing needs
- Leaves of absence
- Increased security or campus escort services
- Potentially imposing a temporary ban on the perpetrator
- Creating a safety plan and other victim advocacy

Students can get help with accessing or making changes to supportive measures from any of the departments listed below. Departments with an asterisk (*) are also confidential reporting sites.

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

505-277-2911

loborespect@unm.edu

University Advisement & Enrichment Center Rm 262

Albuquerque, NM 87106

[LGBTQ Resource Center*](#)

505-277-LBGT (5428)

lgbtqrc@unm.edu

919 Las Lomas Rd NE

Albuquerque, NM 87106

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

505-277-3706

women@unm.edu

Mesa Vista Hall, Rm 1160

East side, across from pool

Albuquerque, NM 87106



Office of Compliance, Ethics & Equal Opportunity (CEEEO)

505-277-5251

ceeo@unm.edu

609 Buena Vista Rd NE

Albuquerque, NM 87106

TITLE IX Coordinator

Angela Catena: acatena@unm.edu

Student Health & Counseling (SHAC)*

505-277-3136

shac@unm.edu

Please do not share confidential information over email.

300 Cornell Dr NE

Albuquerque, NM 87106

Opposite the southeast corner of the SUB

Dean of Students Office

505-277-3361

doso@unm.edu

400 Cornell Dr NW

Albuquerque, NM 87106

University Advisement & Enrichment Center, Rm 281

For Employees

Supportive measures are free, individualized services or adjustments intended to help you maintain your job performance with minimal interference, to the extent possible. Supportive 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.

UNM can accommodate all reasonable requests for supportive or protective measures, regardless of whether the victim chooses to report the crime to campus police or local law enforcement, participate in a formal CEEEO process, or identify the perpetrator.

Various departments at the University provide supportive measures to employees and collaborate with the Title IX Coordinator on how best to do so. Examples of supportive measures that often benefit employees impacted by sexual misconduct or stalking include:

- Accessing counseling, mental health, or medical services
- Maneuvering administrative and law enforcement resources on campus
- Visa and immigration assistance
- Mutual restrictions on contact between the parties



- Adjustments in the workplace or with scheduling
- Help navigating housing contracts, relocation, or other housing needs
- Leaves of absence
- Increased security or campus escort services
- Potentially imposing a temporary ban on the perpetrator
- Creating a safety plan and other victim advocacy services

Faculty and staff can get help with accessing or making changes to supportive measures from any of the departments listed below. Departments with an asterisk (*) are also confidential reporting sites.

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

505-277-3136

cars@unm.edu

1800 Mesa Vista Rd NE
Albuquerque, NM 87106

[Ombuds for Staff](#)*

505-277-2993

ombuds@unm.edu

1800 Las Lomas Dr NE
Albuquerque, NM 87106

[Ombuds for Faculty](#)*

505-277-3212

ombudsfac@unm.edu

1800 Las Lomas Dr NE
Albuquerque, NM 87106

[Office of Compliance, Ethics & Equal Opportunity \(CEEO\)](#)

505-277-5251

ceeo@unm.edu

609 Buena Vista Rd N
Albuquerque, NM 87106

TITLE IX Coordinator

Angela Catena: acatena@unm.edu

[Human Resources](#)

575-737-6261

deb@unm.edu

1157 County Rd 110
Ranchos de Taos, NM 87557





Off-campus Resources

In addition to the support sites listed above that provide resources to victims of crime, the area around UNM-Taos offers various resources close to campus to support individuals coping with sexual assault, domestic violence, dating violence, and stalking. Services include 24/7 hotlines, victim advocacy, counseling and mental health, legal assistance, and visa and immigration assistance.

Counseling and Mental Health Services

[Taos Behavioral Health](#)

575-758-4297
105-B Bertha
Taos, NM 87571

[Presbyterian Medical Services Questa Health Center](#)

575-586-0315
2573 NM-522
Questa, NM 87556

[NM Health & Human Service Department](#)

575-758-8804
145 Roy Rd
Taos, NM 87557

Victim Advocacy and Services

[Community Against Violence](#)

24-hour helpline: 575-758-9888
Textline: 575-770-2706
945 Salazar Rd
Taos, NM 87571

[New Mexico Coalition Against Domestic Violence](#)

(505) 246-9240
(800) 799-7233
2425 Alamo Ave SE
Albuquerque, NM 87106

[Transgender Resource Center of New Mexico](#)

505-200-9086
5600 Domingo Rd NE
Albuquerque, NM 87108



[New Mexico Asian Family Center](#)

(505) 717-2877

PO Box 37346

Albuquerque, NM 87176

Legal Assistance

[New Mexico Legal Aid](#) – Taos Office

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

Business phone: 1-866-416-1992

214 Kit Carson Rd

Taos, NM 87571

Visa & Immigration Assistance

[New Mexico Immigrant Law Center](#)

505-247-1023

625 Silver Ave SW, Ste 410

Albuquerque, NM 87102

[Catholic Charities VAVW Immigration Project](#)

505-724-4670

info@ccasnm.org

2010 Bridge Blvd SW

Albuquerque, NM 87105

24/7 Crisis Hotlines

Agora Crisis Center Hotline

505-277-3013

NM Crisis & Access Line

(855) NMCRISIS (1-855-662-7474)

1-855-227-5485 TTY for hearing-impaired

National Suicide & Crisis Lifeline

988

National Runaway Safeline

1-800-RUNAWAY (1-800-786-2929)

National Domestic Violence Hotline

1-800-799-SAFE (7233)



National Sexual Assault Hotline
1-888-656-HOPE (4673)

National Human Trafficking Hotline
1-888-373-7888

Community Against Violence
24-hour helpline: 575-758-9888
Textline: 575-770-2706

Trans Lifeline
877-565-8860

Trevor Lifeline
866-488-7386

Administrative Resolution Process for Allegations Involving Sexual Assault, Domestic Violence, Dating Violence, or Stalking

Sexual harassment or misconduct that is pervasive and severe, occurs within a UNM program or activity, and takes place within UNM's geographical criteria is subject to UNM's Title IX resolution process under UAP 2740.

The Office of Compliance, Ethics & Equal Opportunity (CEEO) is the independent, impartial, and neutral campus entity designated to ensure compliance with all UNM policies that apply to civil rights, including investigations of alleged sexual assault, domestic violence, dating violence, and stalking. CEEO reports directly to the UNM President's Office to maintain optimal independence and impartiality.

Upon filing a complaint with the University, CEEO and the Hearing Office will ensure students and employees have the right to:

- A prompt, fair, transparent, and neutral process—from the initial investigation to the hearing phase. Investigators and Hearing Officers involved in the disciplinary process 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.*
- Receive timely notice of meetings*
- To examine and respond to all evidence gathered by CEEO*
- Be accompanied by a support person of your choice during the CEEO process, including the investigatory stage, to help you navigate UNM's administrative processes*
- Supportive measures through a CEEO and hearing process*
- Written notification of the results of any disciplinary proceeding, the right to appeal a decision, any change to the results, and once the results become final*



- Appeal a dismissal, a Hearing Office determination, or accompanying sanction to the President of the University of New Mexico within seven (7) business days of the date CEEO or the Hearing Office issues its Final Determination, and to receive notice in writing of the final outcome after the appeal is resolved

** available to both complainants and respondents*

CEEEO will provide outreach to the Complainant and in most cases, take the victim's lead on whether to begin an administrative investigation which would determine whether the Respondent has violated University policy and should be disciplined.

Informal Complaint

A Complainant may file an informal complaint of discrimination or harassment to seek supportive measures, as a means of obtaining information regarding their rights, and obtaining the CEEEO formal grievance procedure, as described in Section VI of the [Discrimination Grievance Procedure](#) (DGP) located in Appendix A of this ASR. 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.

Formal Complaint

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) of the DGP located in Appendix A for more information regarding formal complaints. A Complainant who files a formal complaint with CEEEO will have the opportunity to seek supportive measures.

Withdrawing a Complaint

A Complainant may elect to withdraw their complaint at any time after bringing concerns to CEEEO. If the Complainant chooses to withdraw the complaint, the 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 the DGP located in Appendix A.

Alternative Resolution (formerly "Informal Resolution" as referred to in the DGP located in Appendix A)

An alternative 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 alternative 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 alternative resolution is NOT disciplinary in nature.



An alternative 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 alternative resolution after filing a formal complaint in all cases. For an alternative 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 alternative resolution does not follow a pre-determined process. Rather, CEEO consults with the parties and then proceeds with a solution that prevents the recurrence of the alleged conduct.

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 the DGP located in Appendix A.

Following receipt of a formal complaint, CEEO will engage in an initial assessment to determine the sufficiency of the complaint. 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. However, 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.

During a formal investigation, CEEO collects evidence, interviews parties involved, and writes an Investigative Report. CEEO provides the report to both parties and the UNM Hearing Office, if appropriate, which holds a live hearing and issues a final determination.

Live Hearing

A live hearing presided over by a Hearing Officer is 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.



If a policy violation is substantiated, the Hearing Officer will coordinate with Human Resources (for staff), the Office of the Provost (for faculty), and the Dean of Students Office (for students and visitors) to provide sanctions that are appropriate and consistent with the findings.

Upon request, UNM will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (incest or statutory rape) to the alleged victim or next of kin if the victim is deceased.

Appeals

If a party believes that a conflict of interest or bias affected the outcome of an OEO investigation, they may appeal any CEEO or Hearing Officer determination on that basis to the President/Health Sciences Center (HSC) Executive Vice President (EVP). Appeals must be received by the Office of the President within seven (7) business days of the date the Final Determination was issued.

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.

UNM's Discrimination Grievance Procedure (DGP) located in Appendix A describes how the investigative process and appeals work in further detail.

The Administrative Hearing Procedures located in Appendix B describe in full the steps, timelines, and decision-making processes for hearings, and the sanctioning process if a policy violation is determined to have occurred, to include violations of [UAP 2740](#) and [UAP 2720](#) arising from incidents of alleged sexual assault, domestic violence, dating violence, stalking, or other form of sexual misconduct.

The grievance process, including investigative and hearing procedures outlined within the DGP and Hearing Procedures are consistent for UNM students, faculty, and staff. UNM applies the DGP and Administrative Hearing Procedures to all civil rights cases investigations outlined in [UAP 2720](#), including VAWA offenses that fall outside the scope and/or jurisdiction of Title IX in [UAP 2740](#).

Possible Sanctions Following a Finding of Responsibility for Allegations Involving DV/SAS

Sanctions shall be set based upon mitigating and aggravating circumstances, including but not limited to the severity of the offense, the amount of harm created, the responsible party's prior disciplinary record, and sanctions imposed in recent years for similar offenses. In considering the harm created, there shall be taken into account whether any harm or injury was targeted against a person or group because of that person or group's race, color, religion, national origin, physical or mental disability, age, sex, sexual orientation, gender expression, gender identity, veteran status, spousal affiliation, ancestry, or medical condition.



Sanctions are designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting UNM's educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972 (including 2020 Regulations), the Civil Rights Act of 1964, and the New Mexico Human Rights Act.

They must also be consistent and proportionate to the allegations.

Undergraduate Students

Any student who violates any of the rules set forth in Section 2 of the UNM Student Code of Conduct, which includes violations involving sexual assault, domestic violence, dating violence, and stalking, shall be subject to the following possible sanctions:

- Warning (verbal or written)
- Disciplinary probation
- Suspension, expulsion
- Dismissal from University employment
- Barment from campus

Student sanctions imposed under the Code of Conduct shall be imposed pursuant to the Student Standards & Grievance Procedure, or its successor.

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



- "Barred from campus" means being barred from all or designated portions of the University property or activities.
- D175: Undergraduate Student Conduct and Grievance Procedures: <https://handbook.unm.edu/d175/>
- Student Code of Conduct: <https://pathfinder.unm.edu/code-of-conduct.html>

Graduate Students

If the Respondent is a graduate and/or professional student and is found to have violated [UAP 2720](#) and/or [UAP 2740](#), the Dean of Students in consultation with EVP for Health Sciences for HSC students, or the Dean of the Law School for law students, or their designees, will determine the sanction to be imposed as defined in [Regent Policy 4.2 "Student Code of Conduct."](#)

Any graduate student found in violation of UAP 2720 or UAP 2740 in cases involving sexual assault, domestic violence, dating violence, and stalking, shall be subject to the following possible sanctions:

- Warning (verbal or written)
- Disciplinary probation
- Suspension, expulsion
- Dismissal from University employment
- Barrment from campus

Student sanctions imposed under the Code of Conduct shall be imposed pursuant to the Student Standards & Grievance Procedure, or its successor.

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



- "Dismissal" means termination of student employment, either for a stated time period or indefinitely.
- "Barred from campus" means being barred from all or designated portions of the University property or activities.

Before determining sanctions for sexual discrimination, the Dean of Students must consult with the Title IX Coordinator to ensure compliance with Title IX and ensure consistency of sanctions pertaining to the Hearing Officer's determination. A policy violation finding by the Hearing Officer and the sanction imposed will be considered issued at the same time, if the two are provided to the student within five (5) business days of each other. Either party can appeal either or both the finding of policy violation and/or the sanction as described herein.

- D176: Graduate and Professional Student Conduct and Grievance Procedures:
- <https://handbook.unm.edu/d176/>

Faculty

UNM faculty who are found responsible for a violation of UNM's policies related to sexual assault, domestic violence, dating violence, or stalking are subject the following possible sanctions:

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

Progressive Discipline is designed to provide an opportunity for a faculty member to take corrective action by imposing more moderate discipline to the first offense than to subsequent offenses, unless the misconduct is of such a serious nature that a higher level of immediate discipline is required such as suspension without pay or dismissal.

- "Warning" means an oral reprimand that is not documented in the personnel file.
- "Censure" 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.
- "Disciplinary probation" 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

- “Suspension without pay” means disciplinary suspension without regular salary for a stated period of time.
- “Dismissal” means discharge or termination of employment initiated by UNM.
- C07: Faculty Disciplinary Policy: <https://handbook.unm.edu/c07/>

Faculty Members of United Academics – UNM Unit 2

UNM retains all powers, rights, authority, duties, and responsibilities to set standards, qualifications, and performance expectations and to suspend, discharge, or take other disciplinary action against bargaining unit members.

In the case of allegations against a bargaining unit member that appear to be within the scope of Policy 2740 or 2720, the chair or dean shall forward such allegations to the appropriate person or department as identified in the applicable policy and/or procedures for processing pursuant these policies.

The Administration is committed to the use of progressive discipline, except when the severity of the alleged offense or bargaining unit member’s history of disciplinary warrants such a deviation. Under certain circumstances, suspension without pay or termination may be the appropriate initial disciplinary action. Normally, disciplinary actions are intended to proceed in the following progressive manner:

- Censure
- Suspension without pay
- Termination

The Administration has the right to conduct investigations into allegations of misconduct or violations of policy. Bargaining unit members are required to cooperate in an investigation and may be accompanied by a UA-UNM representative during an investigatory interview.

- Agreement between the University of New Mexico and United Academics – UNM Unit 2 (July 1, 2021 – September 30, 2024): <https://provost.unm.edu/academic-unionization/faculty-union/docs/collective-bargaining-agreement-unit-2.pdf>

Staff Employees

UNM staff who are found responsible for a violation of UNM’s policies related to sexual assault, domestic violence, dating violence, or stalking are subject the following possible sanctions:

- Suspension
- Discharge



A “suspension” may be issued to an employee due to performance problems that have not been satisfactorily corrected through the use of prior discipline or for serious violations of policy, procedure, other applicable standards or law. Suspensions are normally one (1) to five (5) business days in length but may be longer depending on the severity of the issue.

An employee whose suspension is being considered will be provided notice of this contemplated disciplinary action that sets forth the basis for the suspension. The employee also will be provided an opportunity to respond to the contemplated suspension before the final decision is made.

For information regarding notice of the contemplated disciplinary and opportunity to respond see Sections 9.1 and 9.2. Compliance with the process is mandatory for both the supervisor and the employee.

In any non-civil rights matter, the supervisor and/or manager must receive approval in advance for the contemplated and final action for suspension by the appropriate chair, director or department equivalent and the AVP for Human Resources.

In any matter involving allegations of civil rights violations to include sexual assault, domestic violence dating violence or stalking, prior to the issuance of a suspension without pay, the supervisor, manager, chair, director or department equivalent must consult with the University’s Title IX Coordinator or designee and the AVP for Human Resources to determine the appropriate level of discipline, if any.

A “discharge” is a permanent involuntary separation of employment from the University for disciplinary reasons and is reserved for the most serious infractions or for continued issues that previously have been addressed with the employee, but have not been corrected.

An employee whose discharge is being considered will be provided notice of this contemplated disciplinary action that sets forth the basis for the discharge. The employee will be provided an opportunity to respond to the contemplated discharge before the final decision is made.

For information regarding notice of the contemplated disciplinary action and opportunity to respond see Sections 9.1 and 9.2 and the processes cited therein. Compliance with the process is mandatory for both the supervisor and employee.

In any non-civil rights matter, the supervisor and/or manager must receive approval in advance for the contemplated and final action for discharge by the appropriate chair, director, or department equivalent and the AVP for Human Resources.

In any matter involving allegations of civil rights violations to include sexual assault, domestic violence dating violence or stalking, prior to the issuance of a suspension without pay, the supervisor, manager, chair, director or department equivalent must consult with the University’s Title IX Coordinator or designee and the AVP for Human Resources to determine whether discharge is the appropriate level of discipline, if any.



The employment of temporary, probationary, and on-call employees is for an indefinite period of time and is subject to termination by UNM, with or without proper/just cause, with or without notice, and at any time.

- UAP 3215: Performance Improvement:
<https://policy.unm.edu/university-policies/3000/3215.html>
- Human Resources Disciplinary Matrix for Staff:
<https://hr.unm.edu/disciplinary-matrix>

Employee Members of United Staff-UNM

Allegations of sexual harassment, which include sexual assault, domestic violence, dating violations, and stalking that are subject to Title IX disciplinary procedures, are handled in accordance with UAP 2740: *Sexual Harassment Including Sexual Assault (Interim)*.

Employees will be disciplined for just cause. Disciplinary actions may include:

- Letter for improvement
- Written warnings/notices
- Suspensions
- Discharges

Management practices a corrective based system that is progressive in nature and will utilize such when Management believes it is appropriate. The level of discipline will be based on the frequency and/or severity of the infraction.

Progressive discipline includes:

1. Written warnings: A written warning provides the employee with a written explanation of the events leading to the warning, an explanation of any applicable rules, and any subsequent information that can help the employee improve the identified problem. A written warning is documented in the employee's personnel file maintained by the Division of Human Resources. The written warning should include:
 - a. the nature of the problem, including reference to any earlier oral counseling(s), warning(s), and performance review discussions;
 - b. a statement or listing of the policies or rules violated (if any);
 - c. the specific action to be taken by the employee and/or supervisor to correct the problem, including specific time frames, if appropriate;
 - d. a statement that further disciplinary action, up to and including discharge, could occur should the problem persist;
 - e. a statement that disciplinary action may be appealed according to the provisions of the Grievance Procedure.



2. Suspension: A suspension is a temporary, involuntary removal from employment, without pay, for problems that have not been corrected for serious violation of policy. Suspensions range from one (1) workday up to thirty (30) workdays, depending on the seriousness of the problem.
3. Discharge: A discharge is a permanent, involuntary separation from employment from the University for disciplinary reasons. Discharges must be approved, in advance, by the appropriate dean or director and the V.P. of Human Resources.
4. Notice Requirements: To initiate a suspension or discharge of a bargaining unit employee, the supervisor must serve the employee with written notice of the contemplated action. Suspension and discharges require approval of the appropriate dean or director and the V.P. of Human Resources prior to issuing a Notice of Contemplated Action (NCA). This notice must include the following points:
 - a. Cite the acts which the supervisor believes constitute the reason for the disciplinary action;
 - b. Give a summary of the evidence against the employee including dates and locations if applicable;
 - c. Specify the contemplated action;
 - d. State that the employee has ten (10) calendar days from the receipt of the notice to respond orally and/or in writing to the contemplated action. A copy of the notice will be sent to the Division of Human Resources for placement in the employee's official personnel file.
5. Notices: Notices shall be in writing and may be served in person. At the time of service, the employee will sign an acknowledgement of receipt. The notice may also be sent by certified mail with a return receipt requested. The notice must be properly stamped and addressed to the last address provided by the employee. Service of the notice is complete when the notice is hand-delivered or deposited with the United States Postal Service by certified mail with a return receipt requested.
6. Computation of Time: Any time period required or allowed by this article does not include the day of the action. If the last day of the time period falls on a Saturday, Sunday, or a UNM recognized holiday, the last day of the time period shall be at the close of the next business day.
7. Response to NCA: The employee or a representative of the employee's choosing shall respond orally or in writing within ten (10) calendar days from the date of receipt of the NCA. The response is served to the supervisor who signed the notice. Grievances concerning discharges are served on the Dean or Department Director.
8. Notice of Final Action: After considering the employee's oral and/or written response, if provided, the supervisor shall decide on the final action and serve the employee with a written notice of final action. The notice of final action will be provided to the employee within twenty (20) calendar days after receipt of the employee's response or within twenty (20) calendar days following the expiration of the employee's response period. If the employee includes new information in



his/her response, which Management determines necessitates further investigation, the notice of final action may be delivered after an additional twenty (20) calendar days upon completion of the investigation. If so, the employee will be advised of the extension in writing. If a subsequent extension is needed, another notice of extension with the extension period listed will be provided to the party noted above in writing.

The notice of final action will include the following points:

- a. the final action to be taken;
 - b. the acts which constitute the reason for the disciplinary action;
 - c. summary of the evidence;
 - d. exhibits listed on the notice;
 - e. the effective date of any disciplinary action;
 - f. a statement that the employee may appeal the disciplinary action as per the Grievance Procedure.
- Labor/Management Agreement Between United-Staff-UNM, Local 6155 and the University of New Mexico (July 1, 2023 – June 30, 2026): [https://hr.unm.edu/docs/labor-relations/united-staff-unm-\(usunm\)-contract.pdf](https://hr.unm.edu/docs/labor-relations/united-staff-unm-(usunm)-contract.pdf)

Employee Members of Communications Workers of America

Progressive discipline will be used when appropriate. However, some violations of policies and procedures, or continued negative behavior or performance may be of such serious nature that immediate suspension or discharge may be appropriate. An employee who has completed the probationary period may only be disciplined for just cause.

Employees who disagree with a letter for improvement may grieve the action to Step 1 of the grievance process. Employees who disagree with higher levels of disciplinary action taken may file a grievance pursuant to Article 21, Grievance Procedure, with the timelines noted in that article, within fifteen (15) working days of the final action. If a grievance is settled resulting in an agreement to rescind the disciplinary action, this document will not be referred to in subsequent disciplinary actions. Separation at the end of an original or extended term end appointment shall not constitute discharge and does not require just cause.

Following are the levels of formal discipline under the University process:

- Letter for improvement
- Written Warning
- Suspension
- Discharge



Disciplinary Actions as a Result of Fact-finding or Investigations

If disciplinary action is to occur with a bargaining unit member after the conclusion of an investigation or fact-finding, the University will make an attempt to deliver the action within twenty (20) business days. If the action is a suspension or discharge, the NCA will be delivered in that timeframe. If the action will take longer, the University will notify the Union in writing and will address the reason for the delay and will provide an estimated time for delivery. Human Resources will determine when the fact-finding is complete.

Letter for Improvement: The letter for improvement is the lowest level of disciplinary action. It informs employees of the issues of concern and their supervisors' expectations for improvement. It is expected that such discussions will result in improved performance. A letter for improvement is not documented in an employee's official personnel file maintained by the Division of HR. However, the supervisor shall maintain a record of any letter for improvement in the departmental file. This document may be referred to in any further disciplinary action. In addition, the employee may petition the Dean or Director, after one (1) positive performance evaluation, to agree not to use the letter for improvement in any subsequent disciplinary actions.

Written Warning: The written warning is the next level of disciplinary action and is used for more severe issues or for situations where issues have continued despite being given an opportunity to improve. A written warning is documented in the employee's official personnel file maintained by the Division of HR. After an employee has received at least two (2) positive performance evaluations, an employee may petition the applicable dean or director to have the written warning removed from the employee's official personnel file.

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

- Cite the acts which the supervisor believes may constitute proper/just cause.
- Give a summary of the evidence against the employee.
- Specify the contemplated action.
- State that the employee has eight (8) workdays from receipt of the notice to respond orally or in writing to the contemplated action.

The employee or a Union representative may respond orally and/or in writing to the NCA. The response is served to the supervisor who signed the notice. If the employee or Union representative wishes to meet with the supervisor to respond to the NCA, he or she must submit a written request for the meeting within five (5) workdays from receipt of the notice. The employee or Union representative must respond orally and/or in writing within eight (8) workdays from receipt of the notice.

Any time period required herein does not include the day of the action from which this time period begins to run. If the last day of the time period falls on a Saturday, Sunday, or holiday, the last day of the time



period shall be the next working day. If the employee is represented by the Union and the Union requests an extension to the NCA response, the Union representative will note the reasons for the extension in writing to the University. The extension will be provided given both parties are in agreement. Requests will not be unreasonably denied. If the employee is on paid administrative leave, this issue may also be part of the consideration on the extension but does not exclude other factors that the University may consider.

The Notice of Final Action (NFA) shall be within thirty (30) calendar days after receipt of the employee's response and include all of the following points:

- The final action to be taken.
- The acts constituting proper/just cause. (The determination on the Notice of Final Action will only entail the allegations specified in the NCA. Issues which occur after the NCA may be included in the Notice of Final Action but will not be a determining factor in the Notice of Final Action unless the NCA is reissued.)
- A summary of the evidence.
- A reply to the employee's response, if any.
- The effective date of any disciplinary action.

If the employee is represented by the Union and the timeframe for providing the Notice of Final Action needs to be extended, then the University will note the reasons for the extension in writing to the Union representative. The extension will be provided given both parties are in agreement. Requests will not be unreasonably denied.

- Agreement Between the Communications Workers of America and the University of New Mexico Maintenance & Operations and Clerical/Technical Units (July 1, 2023 – June 30, 2025): [https://hr.unm.edu/docs/labor-relations/communication-workers-of-america-\(cwa\)-contract.pdf](https://hr.unm.edu/docs/labor-relations/communication-workers-of-america-(cwa)-contract.pdf)

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

No bargaining unit members shall be disciplined, suspended, or discharged except for just cause. Discipline includes:

- Written reprimand
- Suspension without pay
- Discharge

“Disciplinary discharge” refers to 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 discharge also refers to the rescission of an executed contract for a future semester for a currently employed bargaining unit member based on issues unrelated to a bargaining unit member’s academic performance or unrelated to insufficiency of funding for that position. Termination of an active assistantship for academic reasons or non-renewal of an assistantship is not a disciplinary discharge.



- Agreement Between the University of New Mexico and United Electrical, Radio and Machine Workers of America (December 22, 2022 – January 2025): <https://provost.unm.edu/academic-unionization/graduate-assistant-union/docs/cba-toc-agreement.pdf>

Information About Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act of 2000 (CSPA), [UNMPD](#) provides a website link to the New Mexico Department of Public Safety for law enforcement agency information concerning registered sex offenders. The CSPA requires institutions of higher education to inform the campus community where law enforcement information about registered sex offenders may be obtained. It also mandates that sex offenders who are required to register in a State must also give notice 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

The New Mexico Department of Public Safety uses [OffenderWatch®](#) to organize and publicize data about sex offenders in the State of New Mexico.

- The [New Mexico Department of Public Safety](#) provides a [statewide list of registered sex offenders](#)
 - Online:
https://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NyZW11bml0eW5vdGlmaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA=
 - By calling 505-827-9297
 - By emailing dps.sorna@state.nm.us

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/>



ANNUAL DISCLOSURE OF CLERY ACT CRIME STATISTICS

How UNM Collects Crime Statistics

Campus Security Authorities (CSAs) at UNM's Taos Campus are responsible for providing information to the Clery Coordinator about Clery Act crimes reported to them or that they personally witness within a timely and accurate manner for the purposes of annual crime statistics disclosures, ongoing disclosures, and timely warnings. In addition to those officials whom the Clery Coordinator designates as CSAs based on the functions they perform at the University, campus security personnel and contracted security officers are all CSAs.

In addition to receiving their reports year-round, the Clery Coordinator surveys CSAs on an annual basis prior to finalizing the annual crime statistics to give them an additional opportunity to submit any Clery Act crimes that were reported to them during the previous calendar year. CSAs must complete and return the survey form as directed.

To gather information on incidents occurring on non-campus Clery geography properties within the Town of Taos and elsewhere, UNM conducts direct outreach to the local law enforcement agencies with jurisdiction over the locations where UNM student-led trips take place or where the University controls space. The Clery Coordinator makes a good-faith effort to obtain the statistics by requesting them, in writing, from CSAs and law enforcement agencies. The Clery Coordinator relies on the information obtained from those sources but is not responsible if the information provided is inaccurate or omitted altogether.

The Clery Coordinator also makes a good-faith effort to gather information about crime reports made at properties within UNM's public property Clery geography from local law enforcement agencies. The Clery Coordinator relies on the information obtained from those sources but is not responsible if the information provided is inaccurate or omitted altogether.

How UNM Classifies Crime Statistics

Not all crimes are considered "reportable" under the Clery Act. The Clery Act requires universities to report alleged crimes that fall into one or more of four categories specified in the federal statute.

It is important to note that Clery crimes are not limited to those involving students and that Clery crime statistics represent the number of reports the University receives—regardless of whether law enforcement investigates or brings charges against anyone involved.



Two criteria must be met for a crime to be a Clery-reportable statistic and included in the Annual Security Report:

1. The incident must involve at least one crime that meets the definition of a Clery Act offense. Clery offenses are defined through the statute, not by state law, and attempts to commit Clery offenses are included.
2. The incident must have occurred within UNM's Clery geography.

An incident that involves a crime meeting the definition of a Clery offense and occurs within our Clery geography gets included in UNM's annual crime statistics regardless of who is involved, who committed the crime, what time of year it is, whether the crime was completed, whether it is investigated, or what a court decides. Clery Act statistics are disclosed in the annual ASR by the year in which they are reported, not when they occurred.

Clery Act Offenses

Below is a list of Clery-reportable offenses and their definitions. **Please note that the sources for these definitions are based in federal law and do not always align with New Mexico state law.**

Primary Offenses

- **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.
- **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.
- **Sex Offenses**
 - **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.
- **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
- **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.

Violence Against Women Act (VAWA) Offenses

- **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;
 - 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.

Arrests and Referrals for Disciplinary Action

An “**arrest**” for Clery Act purposes is defined as persons processed by arrest, citation, or summons. Incidents in which an individual is temporarily detained by law enforcement are also classified as an arrest for statistical purposes if the detainment is a result of an alleged or attempted weapons law, drug abuse, or liquor law violation.

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.

- **Weapons Law Violations[^]**

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 Violations[^]**

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 that can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Bensedrine).

- **Liquor Law Violations[^]**

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.



Hate Crimes

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability, which are defined in the below criminal definitions. Primary Offenses that were committed because of the offender's bias toward the victim(s) are counted in both the Primary Offense category and again in the Hate Crime category.

- **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.
- **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.
- **Sex Offenses**
 - **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.



- **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
- **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.
- **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

- **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 perceived 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

Unfounded Crimes

A crime is "unfounded" if a reported crime is investigated by law enforcement authorities and found to be false or baseless, meaning that the crime did not occur or was never attempted. Only sworn or commissioned law enforcement personnel may unfound a crime. Though rare, 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. When it does occur, unfounded crimes are reported in the year in which they were originally reported.

Crimes for which no arrest is made, evidence is lacking, or law enforcement has no leads are not considered unfounded crimes.

Definition Sources

*A “Primary Offense” under the Clery Act whose definition comes from the FBI’s Uniform Crime Reporting Program’s *Summary Reporting System (SRS) User Manual*

**A “Primary Offense” under the Clery Act whose definition comes from the FBI’s *National Incident-Based Reporting System (NIBRS) Data Collection Guidelines*

†A “Violence Against Women Act (VAWA) Offense” (as defined by the *Violence Against Women Act of 1994* and repeated in the *Clery Act* regulations)

^An Arrest/Citation/Summons or Referral for Disciplinary Action whose definition comes from the FBI’s [Summary Reporting System User Manual](#)

‡A Hate Crime whose definition comes from the FBI’s [Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual](#)

Clery Act Geography

UNM’s “Clery Act geography” comprises three categories of physical property for the purposes of disclosing our Clery Act crime statistics. They are “on campus,” “non-campus,” and “public property.” Reports of crimes that meet the definitions of Clery Act offenses that take place within UNM’s Clery geography are what make up the University’s Clery Act statistics that appear in the ASR.

On-campus Property

On campus geography includes any property or building that is owned or controlled by UNM 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 lecture halls, Kids Campus, UNM-Taos parking areas, and the UNM-Taos Library.



Non-campus Property

Non-campus 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, are frequently used by students, and are not within the same reasonably contiguous geographic area of campus.

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 campus that is:

- publicly and not privately owned;
- adjacent to a facility owned or controlled by UNM if the facility is used by UNM 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)

Clery Act Crime Statistics for UNM-Taos for Calendar Years (CYs) 2020, 2021, and 2022

CY 2022 Clery Act Crime Statistics for UNM-Taos

Primary Offenses (CY 2022)	On Campus	Non-campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY 2022)	On Campus	Non-campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0

Arrests and Referrals for Disciplinary Action (CY 2022)	On Campus	Non-campus	Public Property
Liquor Law Violation – Arrest/Summons/Citations	0	0	0



Drug Abuse Violation – Arrest/Summons/Citations	0	0	0
Weapons Law Violation – Arrest/Summons/Citations	0	0	0
Liquor Law Violation – Referral for Disciplinary Action	0	0	0
Drug Abuse Violation – Referral for Disciplinary Action	0	0	0
Weapons Law Violation – Referral for Disciplinary Action	0	0	0

Hate Crime Offenses (CY 2022)	Bias Category	On Campus	Non-campus	Public Property
N/A	N/A	N/A	N/A	N/A

There were no crimes unfounded through investigation during CY 2022.

CY 2021 Clery Act Crime Statistics for UNM-Taos

Primary Offenses (CY 2021)	On Campus	Non-campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY 2021)	On Campus	Non-campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests and Referrals for Disciplinary Action (CY 2021)	On Campus	Non-campus	Public Property
Liquor Law Violation – Arrest/Summons/Citations	0	0	0
Drug Abuse Violation – Arrest/Summons/Citations	0	0	0
Weapons Law Violation – Arrest/Summons/Citations	0	0	0
Liquor Law Violation – Referral for Disciplinary Action	0	0	0
Drug Abuse Violation – Referral for Disciplinary Action	0	0	0
Weapons Law Violation – Referral for Disciplinary Action	0	0	0

Hate Crime Offenses (CY 2021)	Bias Category	On Campus	Non-campus	Public Property
N/A	N/A	N/A	N/A	N/A



There were no crimes unfounded through investigation during CY 2021.

CY 2020 Clery Act Crime Statistics for UNM-Taos

Primary Offenses (CY 2020)	On Campus	Non-campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	1	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Violence Against Women Act (VAWA) Offenses (CY 2020)	On Campus	Non-campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests and Referrals for Disciplinary Action (CY 2020)	On Campus	Non-campus	Public Property
Liquor Law Violation – Arrest/Summons/Citations	0	0	0
Drug Abuse Violation – Arrest/Summons/Citations	0	0	0
Weapons Law Violation – Arrest/Summons/Citations	0	0	0
Liquor Law Violation – Referral for Disciplinary Action	0	0	0
Drug Abuse Violation – Referral for Disciplinary Action	0	0	0
Weapons Law Violation – Referral for Disciplinary Action	0	0	0

Hate Crime Offenses (CY 2020)	Bias Category	On Campus	Non-campus	Public Property
N/A	N/A	N/A	N/A	N/A

There were no crimes unfounded through investigation during CY2020.



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.

7 (Rev. April 2023)

- **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 CEEO.
- A copy of any report issued by another department, including but not limited to Human Resources, which addresses potential violations of policies other than UAP 2720, 2740 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 CEEEO 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.



**OFFICE OF
COMPLIANCE, ETHICS
& EQUAL OPPORTUNITY**

**DISCRIMINATION GRIEVANCE
PROCEDURE**

FEBRUARY 4, 2021

Table of Contents

DEFINITIONS	4
I. NOTIFICATION AND CORRESPONDENCE WITH CEEO	7
II. RETALIATION	7
III. TIME FRAME.....	7
IV. REPORTING CONCERNS; TYPES OF COMPLAINTS	7
A. Informal Complaint from Complainant.....	8
B. Formal Complaint from Complainant	9
C. Third-Party Reports and Reports from Responsible Employees; Failure to Report	9
1. Failure to Report	10
D. Anonymous Reports.....	10
E. Report Filed by the Title IX Coordinator or CEEO	10
F. False Reports.....	10
V. JURISDICTION	11
A. Jurisdiction Generally.....	11
1. The parties involved.....	11
2. The subject matter of the allegations underlying the complaint	11
B. Jurisdiction of Complaints Subject to University Policy 2740	11
VI. FORMAL GRIEVANCE PROCEDURE.....	12
A. Formal Complaint.....	12
B. Notice.....	12
C. Process Options.....	12
1. Withdraw the Complaint.....	12
2. Informal Resolution.....	13
3. Formal Investigation	14
VII. OTHER MATTERS RELEVANT TO THE FORMAL GRIEVANCE PROCESS	18
A. General Statement of Investigation Timelines	18
B. Responsibilities of the Parties.....	19
C. Modification of the Formal Investigation Process	19
D. Advisors, Support Persons, and Union Representation.....	19
E. Conflict of Interest and Bias.....	20
VIII. SANCTIONS AND REMEDIES.....	20
IX. CLIMATE ASSESSMENTS; DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS.....	21
A. Climate Assessment	21
B. Consolidated Complaints; Cross-Claims.....	22
C. Departmental Investigation	22
D. Hearings with Multiple Complaints against One Respondent.....	23
X. APPEALS	23

A.	Appeals to the President/Health Sciences Center (HSC) Executive Vice President (EVP)	23
B.	Appeals to the Board of Regents	24
XI.	CONFIDENTIALITY.....	24

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 all forms of discrimination and retaliation, and specifically prohibiting all forms of sexual harassment, a form of gender discrimination that is prohibited by state and federal law. The prohibition includes sexual violence, which is considered a severe form of sexual harassment.

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

- Age
- Ancestry
- Color
- Disability
- Ethnicity
- Gender
- Gender identity
- Genetic information
- Medical condition
- 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

¹ 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 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.

and providing equal opportunities in employment and education. CEEEO, acting under the authority of University Policies [2720](#), [2740](#), [2750](#), [2310](#), [2215](#), [3110](#), [3210](#), [3790](#), and Board of Regents [Policy 2.3](#), may take necessary action to prevent, correct, and educate in relation to behavior that violates UNM policies or impacts the academic or work environment. Leadership in CEEEO 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 (“DGP”) 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.**

DGP 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 University Policy 2740 are required to report allegations of known or suspected violations of University Policy 2740 or of gender discrimination to CEEO and/or the Title IX Coordinator with 24 hours or as soon as reasonably practicable. Per University Policy 2720 , supervisors are required to report allegations of known or suspected violations of UNM's civil rights policies to CEEO. 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 University Policy 2740 , 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 Policy 2740 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 CANNOT be a potential witness in the CEEO investigation that the Complainant or Respondent is involved in, nor can they be someone in the Respondent’s supervisory chain. A support person cannot participate in an evidentiary hearing, if applicable.
Supportive Measures	<p>Non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a 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 oeounm@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 oeounm@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 CEEO complaint form](#);
- Email (oeounm@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 a CEEO employee;
- Walk-in at CEEO'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
 Web: <http://www.ed.gov/ocr>

There are different types of complaints that may be made to CEEO under this DGP, 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 CEEO 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).

CEEEO 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. CEEEO will then prepare a memorandum stating whether the information gathered demonstrates a violation of policy (POLICY VIOLATION or NO POLICY VIOLATION) and will provide the memorandum to Respondent. **There is no live hearing associated with an FTR investigation**; the determination of a policy violation is made by the CEEEO investigator. Respondent will have the same opportunity to appeal per the process outlined in Section X herein. After the appeal window closes, CEEEO will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

D. Anonymous Reports

Individuals who report to CEEEO may choose to do so through anonymous means, such as through UNM's anonymous compliance hotline. CEEEO's ability to 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 CEEEO

Based on information CEEEO and/or the Title IX Coordinator receives, the Title IX Coordinator or CEEEO 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 CEEEO receives clear and credible information demonstrating that a Complainant or other filing party has submitted a false report, CEEEO will investigate as outlined herein against the party alleged to have filed a

false report. A person 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

CEEO reviews discrimination complaints to determine whether it is authorized to address them. CEEO'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, CEEO may assert jurisdiction when the complaints are alleged to impact the campus environment or a staff, faculty, or student's work or academic environment.

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

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

To make a jurisdictional determination, CEEO may also consider:

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

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)(h).

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 a 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.

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

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

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

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.

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

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

C. Modification of the 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 assessment 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 an OEO 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 DGP. 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. CLIMATE ASSESSMENTS; DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS

A. Climate Assessment

As an equal opportunity employer and an equal educational opportunity institution, UNM is legally obligated to provide and maintain an atmosphere free from discrimination. UNM must respond appropriately to all reports of discrimination. Such response may include investigating claims and taking appropriate corrective action even when there are no individuals standing in the roles of Complainant and/or Respondent as described herein.

If CEEO receives reports of alleged violation(s) of UNM policy, including but not limited to, alleged discriminatory actions, and those reports include allegations that may affect multiple individuals in one department, CEEO may exercise its authority to conduct a civil rights-related climate assessment to address any actual or potential harm, and remedy any effects of that harm.

Climate assessments may be initiated at CEEO's or the Title IX Coordinator's sole discretion when the totality of allegations in one or multiple reports indicates that a discriminatory environment may exist within a department. Under such circumstances, UNM stands as the Complainant in the matter. A Dean of an academic area or Director of a unit may also request that CEEO conduct a climate assessment. Under such circumstances, the Department stands as the Complainant in the matter. In all such cases, CEEO, defines the scope of the assessment if one is to occur. Climate assessments will generally not be conducted when there are active investigations or inquiries into alleged misconduct by a particular Respondent or Respondents, but may be pursued after those active investigations are resolved. If CEEO determines that a climate assessment should be initiated while a separate investigation is ongoing, it will conduct the assessment so as not to interfere with the active investigation.

Once CEEO determines jurisdiction of a climate assessment, CEEO notifies the department Director or Chair that jurisdiction has been accepted, indicates the investigator assigned, and seeks to schedule a meeting with the department Director or Chair to discuss the process, the rights and responsibilities of the parties, UNM's prohibition against retaliation, and provide an overview of the allegations of civil rights violation(s) that have been raised. CEEO will also notify the Dean, Office of the Provost or Human Resources, or other party, as appropriate.

At the conclusion of its assessment, CEEO issues a Climate Report that contains information on the allegations, witness statements, and all relevant evidence gathered during the investigation. CEEO provides the Climate Report to the appropriate Chair or Director. Those who receive the Climate Report have **ten (10) business days** to provide comment, response, or new, factual information.

After CEEO has received new, factual information, or when the deadline has passed with no response, CEEO writes a Final Climate Report which includes the information from the Climate Report, and any new information submitted. The Final Climate Report does not result in the issuance of a finding of responsibility; rather, the investigator will indicate whether the assessment revealed that there is a climate of discrimination or harassment in the department.

A copy of the Final Climate Report is forwarded to the Chair or Director and their supervisor, as well as higher level departments if deemed appropriate, such as the Office of the Provost or Human Resources. A meeting is then scheduled between the Chair or Director, their supervisor, the CEEO Director and/or Title IX Coordinator to determine a solution for stopping the harassment or discrimination if any is determined to exist, addressing the harm the discrimination and harassment has caused, and preventing its recurrence. CEEO and the department may collaborate with other campus departments or community resources to effectuate remedial action.

Because there is no finding of responsibility in a climate assessment, there is no opportunity for either a hearing or appeal by the Chair or Director of the department in which the climate assessment is conducted.

B. 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.

C. 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, CEEEO 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 CEEEO 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.

D. Hearings with Multiple Complaints against One Respondent

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

X. APPEALS

Parties may appeal a CEEEO dismissal, the determination issued by the Hearing Officer, and accompanying sanction for findings of responsibility as follows:

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

A party may appeal CEEEO'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 or 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 HSC Executive Vice President.

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

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.