

2024

**Annual Security
and Fire Safety Report**

A stylized mountain range logo consisting of three dark blue peaks of varying heights. The central peak is the tallest and has a small white letter 'M' positioned just above its apex.

M

NEW MEXICO TECH
SCIENCE • ENGINEERING • RESEARCH UNIVERSITY

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A MESSAGE FROM THE CHIEF OF POLICE

I am pleased to present the 2024 New Mexico Tech Annual Security and Fire Safety Report. This report is prepared by the New Mexico Tech Police Department and is updated and disseminated throughout campus each year by October 1st.

The data contained in this report was collected from the New Mexico Tech Police Department, the Socorro Police Department, the Socorro Sheriff's Department, the New Mexico State Police, and other designated campus officials.

This publication is intended to communicate valuable policy and statistical information to employees, prospective students and their families so informed decisions can be made when reporting a crime or selecting a college or university.

By educating our campus community, prospective students, and their families about different types of crimes on campus we can form new partnerships between those that we serve and those we work together alongside to keep our campus community as safe as possible.

New Mexico Tech makes the safety and well-being of our students, faculty, and staff a top priority. I take great pride in the fact that this university enjoys a long history of being considered a safe campus with a low crime rate. I look forward to working alongside each member of our community to keep up this long-standing tradition.

Scott Scarborough | NMT PD Chief of Police
scott.scarborough@nmt.edu | **575.835.5434**



ANNUAL SECURITY AND FIRE SAFETY REPORT

The New Mexico Tech Campus Police Department, in cooperation with surrounding law-enforcement agencies and other entities on the New Mexico Tech campus prepares this report annually by Oct. 1 of each year. This report is generated to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Each of these organizations provides crime data, updated policy information, educational efforts, student services, and information about crime prevention for this report to comply with the act.

This report contains statistics covering the previous three years concerning campus security, fire safety and policies regarding sexual assault, alcohol and drug use. This report is distributed to every member of the campus community via their official NMT email and it is also available on our website at <https://www.nmt.edu/police/>

Anyone, including prospective students, visitors and employees may obtain a paper copy of this report by contacting the New Mexico Tech Campus Police Department at **575.835.5434**. For more information on the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, please visit the Clery Center for Security on Campus at <https://clerycenter.org/>



NEW MEXICO TECH POLICE DEPARTMENT

The primary responsibility for law enforcement and security on campus belongs to the New Mexico Tech Police Department, a unit of the Administration and Finance division of the university. The police department currently utilizes a dual-force concept, employing both sworn police officers and non-sworn security officers. The police department consists of the Chief of Police, an Assistant Chief, a Sergeant, a Detective, numerous patrol officers and security officers, one administrative assistant, and four Public Safety Dispatchers.

NMTPD police officers are duly sworn and commissioned law enforcement officers with law enforcement authority and powers to arrest granted by State of New Mexico. As a condition of employment, all police officers employed by New Mexico Tech must attend and successfully complete the New Mexico Department of Public Safety Basic Police Training Academy within one year of employment as required by law. Police officers certified in the state of New Mexico are required to maintain the same skills, training and qualifications regardless of the jurisdiction they serve. In many cases, our police officers receive additional specialized training to better serve the campus community.

The NMT Police Dept. provides law enforcement services 24 hours per day, seven days per week. General business hours for the NMT Police Dept. are Monday—Friday, from 8 a.m. to 5 p.m., excluding NMT—Holidays, closures and delays.

Contact Campus Police

Emergency:

ext. 5555 or 911 (campus phones)

575-835-5555 (off-campus or mobile phones)

Non-Emergency:

575-835-5434 (off-campus or mobile phones)

Ext. 5434 or "0" (on campus)

Dispatch:

dispatcher@nmt.edu

Physical Address:

*New Mexico Tech Police Department
Student Activity Center Building
105 Miners Way
Socorro, NM 87801*

NMT POLICE DEPT. SERVICES

NMTPD PRIMARY SERVICES

- Respond to all police, fire, and medical emergencies on campus
- Investigate traffic crashes and all criminal offenses on campus
- Assist victims of crime by referring them to appropriate resources
 - Monitor panic, fire, and burglary alarms
 - Coordinate special events on campus

NMTPD ADDITIONAL SERVICES

- Vehicle Lock-Out assistance
- Vehicle Jump-Starts and Tire Changes
- Safety Escorts to any on-campus location
- Non-emergency Medical Transportation to nearby facilities
 - Bicycle/Property Registration
 - Campus Directions and Information
- Assistance with building access and dorm room lockouts
 - Key Control and Distribution
 - Fingerprinting
 - Driving Tests



NEW MEXICO TECH POLICE DEPARTMENT

JURISDICTION & OTHER LAW ENFORCEMENT AGENCIES

New Mexico Tech Campus Police's immediate jurisdiction consists of the main campus itself, public property within or immediate adjacent to campus, and non-campus buildings and properties that are owned or controlled by New Mexico Tech.

The New Mexico Tech Police department maintains a close working relationship with all local law-enforcement agencies. The most predominant are the Socorro Police Department, Socorro County Sheriff's Office, New Mexico State Police, and the 7th Judicial District Attorneys Office. Formal and informal intergovernmental agreements allow us to work together on a daily basis as well as in emergency situations.

Due to the complexity of many investigations it is important for NMT Police to work closely with all law enforcement and criminal justice agencies. When a student of NMT is involved in an off-campus offense, NMT police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. While Socorro Police Dept. has primary jurisdiction in most areas off-campus, NMT police officers can and do respond to student-related incidents that occur in close proximity to campus or incidents where they are requested for assistance by other agencies.

The NMT Police Department has direct radio communications with the Socorro Police Department, Socorro County Sheriff's Office, New Mexico State Police, Socorro Fire Department, and Emergency Medical Services to facilitate rapid response in emergency situations.



REPORTING A CRIME OR EMERGENCY

How to Report a Crime or Emergency:

Dial 911 or (575) 835-5555 (Campus ext. 5555) for any police, fire or medical emergency

New Mexico Tech Campus Police officers will respond to all reported crimes and emergencies that occur on campus. Officers will take the necessary reporting steps and enforcement action for any criminal offense that occurs on Campus. Prompt reporting enhances campus safety and security.

The New Mexico Tech Police Department operates law-enforcement services 24 hours a day and seven days per week regardless of university holidays, closures and delays.

If several incidents are generated at or around the same time, priority is given to reports of incidents that are an immediate threat to human life and/or disrupt the peace or security of the university.

Non-emergency crime reports can be made at any time by dialing **575.835.5434**.

WHEN TO CALL 911 OR 5555 AND REPORT AN EMERGENCY

- If you see someone who is believed to be heavily intoxicated or incoherent
- If someone is currently being or is suspected of being victimized by dating violence, domestic violence or sexual assault.
- If someone is injured or ill
- If you see fire or smell smoke
- If you see someone being hurt
- If you see someone stealing or damaging property
- Any other emergency



Call immediately and never assume another person had already made the call. Try to provide the dispatcher with accurate and detailed information about the problem. Stay on the phone until the dispatcher tells you it is okay to hang up. Your information will be relayed to the responding emergency personnel.

If you are reporting a medical problem, if possible, ask someone to monitor the victims condition so you can relay the information to the dispatcher. 911 calls will be forwarded appropriately by dispatchers to police officers and responding emergency medical personnel.

REPORTING A CRIME OR EMERGENCY

Voluntary, Confidential Reporting

The NMT Police Department encourages the reporting of all crimes. Without these reports, crime trends and problem areas on campus are much more difficult to identify. The police department encourages anyone who is the victim or witness of any crime to promptly report the incident to the police.

Because police reports are public records under state law, the police department cannot hold reports of crimes in confidence. A victim who does not wish to pursue action within the University or through the criminal justice system may still file a report describing the details of the incident and depending upon the circumstances of the crime they may be able file a report while maintaining their confidentiality.

The purpose of a confidential report is to comply with a persons wish to keep their personally identifying information confidential, while taking steps to ensure their safety and the safety of others. The confidential reports allow the University to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security Report. In limited circumstances, the Department may not be able to assure confidentiality and will inform the reporting parties in those cases.

The Campus Police Department will vigorously investigate all reports of crimes. This includes confidential (where the reporting parties' names are known but not released) reports. Information from crime reports is then analyzed to identify emerging crime trends and allocate resources more efficiently.

Pastoral & Professional Counselors

Pastoral and professional licensed counsellors are exempt from disclosing reported offences if they are acting in their role of pastoral and professional counsellors. Counsellors are still encouraged to provide confidential reporting information to crime victims. Such confidential reports are still valuable in enhancing the safety of the greater campus community and in assuring the accuracy of campus crime data. CSA's are notified of their responsibility on a yearly basis and have a tutorial available to them online under the Title IX web-site.

REPORTING A CRIME OR EMERGENCY

Campus Security Authorities

The Campus Right to Know Act mandates that institutions disclose statistics for crimes reported to law enforcement agencies in addition to crimes reported to other members of the campus community.

While everyone on campus is encouraged to report if they have knowledge of a crime, under the Campus Right to Know Act, some individuals fall under the designation of Campus Security Authorities. The name campus security authority is somewhat misleading as it is applied to a group of people who by job function are not necessarily engaged in security-related work.

According to the law, any person who has the authority and duty to take action or respond to a particular issue on behalf of the University, or who has significant responsibility for students outside of the classroom would be defined as a Campus Security Authority.

Because job titles and official responsibilities vary from campus to campus, the Campus Right to Know Act does not provide a list of specific titles designated as a Campus Security Authorities.

New Mexico Tech recognizes the following titles as Campus Security Authorities in addition to all sworn and unsworn members of the New Mexico Tech Police Department. They include but are not limited to:

- Directors of Residential life
- Undergrad and Graduate Deans
 - Title IX Coordinator
 - Directors of Greek Life
- Advisors to any Student Group

Note: Students may be included in this category if they are employees of the University and have responsibility for student activities (to include residence hall assistants and peer educators).

REPORTING A CRIME OR EMERGENCY

Obtaining Copies of Police Reports from NMT Police Department

Copies of police reports may be obtained from the New Mexico Tech Police Department during normal business hours. These hours are Monday through Friday, from 8 a.m. to 5 p.m., excluding holidays, campus closures and delays. There is currently no fees for copies of police reports and documents. Individuals wishing to obtain a copy of a police report must complete their request to the Police Records Division or by emailing the New Mexico Tech custodian of records at foi@nmt.edu

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Dispatch:

dispatcher@nmt.edu

Physical Address:

*New Mexico Tech Police Department
Student Activity Center Building
105 Miners Way
Socorro, NM 87801*



STUDENT HANDBOOK & CODE OF CONDUCT

In cases where actions are both violations of the law and violations of student code of conduct, and the perpetrator is a student of the university, both internal and external judicial action may be taken. In these cases, the dean or the graduate dean will initiate disciplinary action in accordance with university policies and procedures.

Any internal judicial action initiated in cases involving violation of state statutes will be in addition to, and not in lieu of, filing of criminal charges before the local courts. Students should be aware that certain information such as on-campus alcohol or drug violations may be shared with their parents.

The complete Student Handbook and Student Code of Conduct is available online at <https://www.nmt.edu/academicaffairs/policies.php> For specific information, please contact the Office of Student affairs at **575.835.5363**.



MASS NOTIFICATION SYSTEMS

Mass notification systems, such as the New Mexico Tech—RAVE Emergency Alert System, perform critical functions designed to provide the campus community with information necessary to make informed decisions about the health and safety of students, faculty, staff, and visitors of the campus.

New Mexico Tech's highest priority is ensuring the health, safety, and well-being of people on and off campus. It is our policy to provide students, employees, and other campus users with information about campus-emergency situations and criminal activity that represents an ongoing threat in the most timely, effective, and accurate manner as is reasonably possible under the circumstances.

Notifications to the campus community are made through a coordinated effort of University departments. These methods include, but are not limited to:

- The Rave Alert text/call/email messaging system
- The all-campus email system
- Social media
- The NMT website (**nmt.edu**).

These methods enhance the University's ability to provide timely warning notices and emergency notifications of issues that the University community may face. Timely warning notices and emergency notifications are issued through a coordinated effort by the New Mexico Tech Police Department, Office of Marketing & Communications, and the Department of Information Technology and Communications (ITC).

MASS NOTIFICATION SYSTEMS

In instances where timely reporting to the campus is warranted, The New Mexico Tech Police Department will utilize the RAVE emergency notification system to notify students and staff of incidents by email, text, and phone call. To receive rave alerts, members of the community must first enroll a working phone number.

The Rave Alert system is not reserved for timely warning notices and emergency notifications. Important information may be sent out through mass notification systems for events such as university closures. This is done to ensure messaging systems are operational and regularly tested.

Enrolling in Rave Alerts

- 1) Go to getrave.com
- 2) Type in "New Mexico Institute of Mining and Technology" and hit "Continue"
- 3) Click "Register"
- 4) Enter your name, your NMT email address, and cell phone number and then create a password
- 5) Check the box indicating that you have read the Terms of Use
- 6) Click "Proceed to Next Step"
- 7) You will be asked to confirm your cell phone service provider and click "Proceed"
- 8) You will receive a confirmation email with a link to confirm your cell number
- 9) AND you will receive a confirmation text message that will contain a 4-digit code, which you will enter on the website.
- 10) Click "Finish"

Once you are registered, you will receive emergency notifications, including class cancellations, weather alerts, utility outages and other critical and timely emergency notifications.

NOTE: You will not receive spam or non-urgent messages via the RAVE Emergency Alert System



TIMELY WARNINGS

The New Mexico Tech Police Chief or a designee will develop and issue timely warning notices for the University to notify community members about crimes that have occurred on or near campus when it is determined that the incident poses an ongoing threat to members of the New Mexico Tech community.

What is a Timely Warning Notice?

To keep the campus community informed about safety and security issues on an ongoing basis, the university must alert the campus community to certain crimes in a timely manner that helps prevent similar crimes. These Timely Warning Notices should be issued as soon as pertinent information is available about Clery Act reportable offenses that represent a serious or continuing threat when reported to a Campus Security Authority (CSA), local law enforcement, or NMT Police Department personnel.

When shall a Timely Warning be issued?

New Mexico Tech will assess the need for a Timely Warning Notice and use appropriate communication methods to immediately notify the campus community of an ongoing criminal threat. For all campus emergencies and law enforcement matters, the NMT Police Department is primarily responsible for confirming significant public safety situations on campus. This information will be conveyed to the appropriate dispatchers and communication services without unnecessary delay. The NMT Police Department has the discretion to activate mass notification systems regarding threats to the New Mexico Tech campus. These mass notification systems will be updated with new information as it becomes available. Each incident or series of incidents will be evaluated based on the totality of the circumstances and the pertinent information available at the time.

TIMELY WARNINGS

When shall a Timely Warning be issued?

The following criteria may increase the likelihood that a Timely Warning Notice will be issued to the campus community:

- A recognized pattern or continuation of criminal activity related to Clery Act reportable crimes has been identified within the University's geographic area.
- A violent Clery Act reportable offense has occurred, and the suspect is still at large, posing a serious or ongoing threat to New Mexico Tech students and employees.

The following criteria may decrease the likelihood that a Timely Warning Notice will be issued:

- A delayed report of a Clery Act reportable crime that does not indicate an ongoing pattern or continuation of criminal activity.
- A report of a Clery Act crime that a reasonable person would believe no longer poses a serious or ongoing threat to students or employees.
- No ongoing pattern or continuation of non-violent Clery Act reportable crimes, such as burglary or motor vehicle theft.
- The suspect involved in the Clery Act reportable crime has been arrested without unnecessary delay and issued a criminal trespass warning from the New Mexico Tech campus.
- The suspect involved in the Clery Act reportable crime has been taken into custody without delay, including being detained by Immigration and Customs Enforcement (ICE) or another agency under the Department of Homeland Security.
- The suspect has been given interim sanctions, such as interim suspension, which include criminal trespass warnings.

Each reportable offense will be evaluated on a case-by-case basis.

TIMELY WARNINGS

Dissemination of Information

A Timely Warning Notice is distributed to the campus community when pertinent information is available about a Clery Act reportable crime or series of crimes that occurred in or near a Clery Act reportable geographic area that would reasonably represent a serious or continuing threat to students and employees of New Mexico Tech.

All Rave Alert messages will be sent to all campus members and visitors who were automatically signed up and/or who have signed up for the NMT Rave Alert services and to all @nmt.edu email accounts. Although a mass notification may not pertain to all campus members, the University has decided a campus-wide notification best serves the needs of the University community.

Several departments at the University are responsible for notifying the larger community regarding the situation. Timely warning notices and emergency notifications are issued through a coordinated effort by the New Mexico Tech Police Department, Office of Marketing & Communications, and the Department of Information Technology and Communications (ITC).

It is important for faculty, staff and students to utilize and frequently check their University email accounts and utilize campus resources.

Content of a Timely Notice

The content of a timely warning or emergency notification must be short, concise, understandable, and as location-specific as possible. If necessary, multiple messages may be sent to explain a situation. A message will include information that would enable members of the campus community to take appropriate action or actions necessary to protect themselves.

EMERGENCY NOTIFICATIONS

Emergency Notifications

Emergency Notifications will be issued when there is confirmation of a significant emergency or dangerous situation that poses an immediate threat to the health or safety of students, faculty, or staff on campus. Situations such as severe weather, suspicious packages with a confirmed device, fire, or a suspicious death may require notifying the campus community about necessary actions to take and where to go. This information is essential to help individuals stay safe, avoid harm as the situation unfolds, or stay clear of an incident scene.

What is an Emergency Notification?

In accordance with the Clery Act, New Mexico Tech will notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty, or staff on campus. The University will also provide follow-up information as needed. Emergency Notifications are distinct from Timely Warning Notices, as they address immediate threats, whether or not they are related to criminal activity. Such notifications may include, but are not limited to:

- An active shooter on campus
- Hostage/Barricaded subject situation
- Riot
- Tornado warning
- Explosion
- Hazardous materials spill

NOTIFICATIONS—DRILLS AND EXERCISES

NMT Rave Alerts are not limited to emergency notifications. Important University information, such as campus closures, may also be sent through the NMT Alert system. This helps ensure that the system's messaging capabilities are fully operational and tested. The NMT Emergency Response Team conducts exercises to test the emergency response plan, including seminars, tabletop exercises, drills, functional exercises, or full-scale exercises. After each exercise, an after-action meeting is held to identify strengths, areas for improvement, and any necessary corrective actions.



EMERGENCY PREPAREDNESS

The Campus Police Department coordinates with the University's Emergency Response Team (ERT). This group is comprised of Public Safety command staff and senior managers from various campus departments who meet regularly to develop and practice the implementation of emergency plans, including disaster response and evacuation, through drills each year.

For more information about emergency preparedness policies, visit:

[https://www.nmt.edu/policies/docs/emergency-planning/
NMT Emergency Operations Plan Last Revised 8 17 15.pdf](https://www.nmt.edu/policies/docs/emergency-planning/NMT_Emergency_Operations_Plan_Last_Updated_8_17_15.pdf)



EVACUATIONS

When notice is made to evacuate a building, leave the building right away in an orderly manner using established evacuation routes and stairs. **Do not** use the elevators. Take immediately available personal items with you (i.e. necessary medications, purses, backpacks, etc.), as these items may not be available to you for some time. **Do not** go back into a building to retrieve personal items. Go to your pre-determined gathering point or remain at a distance of at least 100 feet from the building. Follow all orders from authorized persons. **Do not** re-enter the building until directed to do so by emergency response personnel.



CAMPUS SECURITY AND SAFETY

While the New Mexico Tech campus is generally quite safe, it is not isolated from the problems of personal safety, theft, and other crimes. Everyone on campus is expected to obey the laws of the state of New Mexico as well as all the rules and regulations of the University. If you would like additional information about safety and security, you are encouraged to contact the New Mexico Tech Campus Police Department at **575.835.5434**.

Most campus buildings and facilities are accessible to members of the campus community, guests, and visitors during normal business hours, Monday through Friday, excluding holidays and University closures. Certain facilities may also be open for designated periods of time during weekends and holidays. Exterior doors on campus buildings are locked and secured every evening by New Mexico Tech Campus Police Department personnel. There are some exceptions, such as instances when authorized personnel request certain doors remain open for special events.

The New Mexico Tech Campus Police Department is ever vigilant to identify areas of concern with respect to building security, lighting, landscaping, and other potential safety and security issues. Lighting and safety hazards identified during routine patrol of the campus are forwarded on an ongoing basis to the New Mexico Tech Facilities Management Office. We encourage community members to promptly report any security concerns to NMTPD at **575.835.5434**. Employees of New Mexico Tech are also strongly encouraged to report issues related to maintenance (such as lights being out, broken sprinklers, faded curb paint, etc.) to a supervisor so a work order can be placed with the NMT Facilities Management Office to have the issue properly addressed.

CAMPUS SECURITY AND SAFETY

Student Residence Halls

All exterior doors of the residence halls remain locked day and night. Residence halls are secured by electronic locks which can only be opened by an authorized Student or Employee Identification Card. To prevent unauthorized access, residents are asked to ensure that exterior doors are not propped open or left ajar. Always be aware of people following you into the residence halls to protect you and your property.

If you are accidentally locked out of your residence hall or dormitory after business hours contact New Mexico Tech Campus Police at **575.835.5434**. Campus Police will complete the request for a residential assistant be sent to your location and permit access.

Electronic-Key card and access control systems are maintained by the New Mexico Tech Residential Life office.

Contact Residential Life

Phone: 575-835-5900

Fax: 575-835-5907

Email: Residential_Life@nmt.edu

Office Hours: Monday through Friday 8am-5pm



CAMPUS SECURITY AND SAFETY

Non-Residential Buildings

Our campus has academic, office, storage, and research buildings. Burglars or other individual's intent on crime may target these structures. Although almost all of these buildings can be accessed by key after business hours, many are locked and alarmed after 5 p.m. It is essential that students, faculty, and staff cooperate to keep closed facilities locked. To ensure that unauthorized individuals do not enter campus buildings, **do not** prop doors open or leave doors unlocked if you enter after hours. **Do** remember to ensure the door you entered completely secured after your entry and that the locking device was re-engaged. **Do not** open the door for individuals you do not know. In addition, protect the security of campus keys by reporting the loss or theft of keys to the New Mexico Tech Campus Police Key Control Office at **575.835.6427** and to the NMTPD at **575.835.5434**.



CAMPUS SECURITY AND SAFETY

Daily Crime Log

A daily crime log that documents all the incidents reported to the New Mexico Tech Campus Police department is kept in accordance with the Higher Education Opportunity Act. Information about a crime including when a crime was reported, when it occurred, the location and description of the crime. The Logs can be accessed and provided at the NMT Police Department upon request.

Clery Basics - Daily Crime Log

Daily Crime Log

- Log is a daily record of criminal and alleged criminal incidents reported to the campus police or security personnel
- All crimes on Clery geography or within patrol jurisdiction of the campus police/security department
- Not just Clery Act crimes
- Records nature, date the crime was reported, time, date, general location, and disposition (if known) of each crime

Figure 7. Sample Daily Crime Log With Required Elements

Daily Crime Log Calendar Year 2018					
Reported Location	Case Number	Date/Time Reported	Date/Time Occurred	Offense Description	Disposition
Lecture	2018-0001	10/01/2018 10:00	10/01/2018 10:00	Aggravated Assault	Under Review
Common	2018-0002	10/01/2018 11:00	10/01/2018 11:00	Sexual Assault	Under Review
Common	2018-0003	10/01/2018 12:00	10/01/2018 12:00	Loitering	Open
Lecture/Lab/Office	2018-0004	10/01/2018 13:00	10/01/2018 13:00	Sexual Offense Log	Under Review

CAMPUS SECURITY AND SAFETY

Crime Prevention and Awareness

Crime prevention means being aware of your environment and remaining alert to situations that could make you vulnerable to crime. There are a number of resources throughout the University campus to enhance the safety and well-being of students, faculty, staff and visitors. Throughout the year, New Mexico Tech offers a number of crime prevention programs to a wide variety of groups. Program topics range from alcohol and drug use, sexual assault, personal and property safety as well as self-defense training. NMTPD is committed to meeting the needs of the community by presenting these programs. To schedule a crime prevention program, contact NMTPD at 575.835.5434.



CAMPUS SECURITY AND SAFETY

Protect Yourself Through Prevention

The NMTPD cannot list specific measures that will protect you from every threatening situation that may arise. However, the hope is to prepare you to think “crime prevention” in day-to-day living. The suggestions presented should not be thought of as a list of crime prevention measures, but rather as examples of common-sense behavior that will help you to make life safer and more secure.

Lock the door to your residence hall or apartment when you are alone, asleep or out of the room.

Do not open your door to strangers. If your door has a peephole, use it to identify visitors before allowing access. Report any problems with your door’s security devices immediately to your Residential Assistant, or Residential Life (575.835.5900).

Do not give your name, address, phone number or other personal information to strangers.

When going out, let a roommate, friend, or Residential Assistant know where you are going, with whom, and when you expect to return. If you choose to stay out later, call that person and let them know.

At night, travel with others in well-lit areas. Avoid taking shortcuts through dark or deserted areas.

Utilize services which provide added safety. There are safe, free, and easy ways to travel between NMT buildings and parking lots during evening hours. NMT police officers will walk you to your vehicle or give you a ride from the NMT campus to your residence within a reasonable distance to the University if you feel unsafe. NMTPD can be reached at 575.835.5434.

If you feel threatened or suspect that you are being followed, call 911 or 575.835.5555 and walk toward lighted areas where there are people. While heading towards a safe area, be aware of the Blue Phones strategically placed around campus. Look over your shoulder frequently. This lets the follower know that you are aware of both his/her presence and your surroundings. With current technology it may be possible for you to discretely record this encounter with audio and/or video.

Drugs and alcohol can severely impact your ability to think critically to protect yourself. They can also lower your inhibition and make you vulnerable. The best option is to abstain from using any drugs and alcohol.

CAMPUS SECURITY AND SAFETY

Protecting Your Possessions at Home

Lock your door when you are away from your room, apartment, or house. Most thefts and burglaries of students' rooms occur when the doors remain unlocked. Remember that it takes less than 30 seconds to get "ripped off."

Keep windows closed and locked when away from your room or your apartment. This protects your belongings from both theft and inclement weather.

Keep a record of the serial numbers for all your belongings. Items of value that do not have a serial number should be engraved with some personal identification number such as a driver's license number and photographed. Students can also register items with serial numbers and have identifiable numbers engraved at the NMTPD. Call 575.835.5434 to make an appointment.

Do not advertise your valuables. Keep them out of sight. Arrange your room so that high-risk items such as laptops, stereos, televisions, and cameras are not visible from the hallway when the door is open, or from ground level windows.

Items of high monetary value that have minimal use in a University environment such as expensive jewelry, personal or family mementos or collections of any kind should be left at home. Very expensive items should be stored in a safe deposit box at your bank.

Do not keep large sums of cash in your room or apartment. A debit card or checking account is safer than cash. Remember to keep your checks in a secure place. Do not talk indiscriminately about receiving money. There is no need to advertise to potential thieves.

Insurance in residence halls covers the institution's property only. Residents are encouraged to provide their own insurance against loss of, or damage to, personal possessions. If your family has homeowner's insurance, check with your family agent about coverage. There are a variety of renter's policies available from insurance carriers for apartment dwellers.

CAMPUS SECURITY AND SAFETY

Rules for Safety and Security in Student Residence Halls

Specific student housing rules and procedures have been developed and implemented by the NMT Office of Residence Life to make your building a safe and secure home. The following are examples of some important rules designed to enhance the safety and security of residents:

Do not let strangers into the building as your guests .

Report any suspicious unescorted person or stranger immediately. You do not need to contact a staff member prior to calling the police in such a case

Do not lend the keys to your room, or your student identification card to anyone.

Under no circumstances should you prop open any exterior door. Although it may seem harmless and convenient, you are endangering both yourself and everyone else. The exterior doors are locked for your safety.

Motorcycles, firearms, fireworks and pets are prohibited in residence halls. For further information contact Residence Life at 575.835.5900.

Never go onto the top of buildings or ledges outside your window. Seemingly harmless activities can lead to unforeseen injury or damage .

Lock your car and take the keys with you. Many car burglaries and thefts occur because the owner did not take time to secure the car. Don't make your car a target of opportunity.

When riding in a car, keep the doors locked. Park in the most lighted area you can find. Upon returning to your car, have your keys ready as you approach your vehicle. Check the back and front seats to make sure that the car is empty before you get in.

Do not park in isolated, dark places if these areas can be avoided. Park where there are people around and where the car will be lit.

Do not leave valuable items unattended in your car. If you must leave valuable items in your car, place them in the locked trunk.

Do not pick up hitchhikers and do not hitchhike.

CAMPUS SECURITY AND SAFETY

In Public Areas

Never leave your bicycle unlocked and unattended. NMTPD recommends that bicycles be secured with an oversized U-shaped bicycle lock.

Engrave your bicycle with a personal identification number such as a driver's license number and keep a record of it with a description of the bike and serial number. You are also highly encouraged to register your bicycles with NMTPD. Bicycle registration is a way to aid in the recovery of your property if your bicycle is stolen

Do not leave personal property unattended in public areas, such as the library, the Fidel Building and classrooms.

Do not carry more cash than you need. Avoid "flashing" your cash in public.

Be careful what you carry together. Do not carry both your identification and checks together in your wallet. Keep them separate. Also do not write your PIN number down in your wallet or on your card.

Carry your purse or backpack close to your body, and keep a tight grip on it.

Mark items you normally take to class, such as textbooks, backpacks and calculators with either your name or personal identification number such as a driver's license number.

Keep a list of your credit cards, identification cards and checking account numbers. If they are stolen or lost, you will have a list of numbers to provide to the police. Remember you should also immediately contact all of the credit card companies and banks with which you do business.

MISSING STUDENT NOTIFICATION POLICY

Missing Student Notification & Response Policy:

Effective January 10, 2015.

New Mexico Tech defines a “missing student” as any registered student currently living in University housing who has not been seen by friends, family, staff, faculty or associates for a reasonable length of time, and whose absence has been brought to the attention of Campus Police. This policy is provided to all New Mexico Tech residential students in compliance with the federal Clery Act as amended by the Higher Education Opportunity Act of 2008.

Missing student reports on campus often result from a resident changing his or her routine without informing roommates, friends, or family. The primary objective of New Mexico Tech when responding to a report of a missing student is to establish contact with the individual, to ensure his/her well-being, and to offer appropriate support and assistance. If an absence has occurred under circumstances that are suspicious or cause concern for safety, efforts will be made immediately to contact the student to determine his or her state of health and well-being.

Registering confidential contact information:

Residential Life provides forms to all residential students to register contact information for themselves, contact information to be used in cases of emergency, and confidential contact information to be used specifically in the event they are determined by Campus Police to be missing. This form, known as a “Resident Registration Card” is generally provided to a residential student upon his/her initial check-in to University Housing. Additionally, Residential Life distributes blank resident registration cards to all new and returning residents at least once per academic year in order to have the most current contact information on file for residents. During any period of their residency, students may also update any of their registered contact information on file by visiting Residential Life in the Fidel Center during normal business hours. Resident Registration Cards are only accessible by Residential Life staff and authorized University officials who may share the information with law enforcement or other emergency personnel as appropriate.

If a resident may be missing: Anyone who has reason to believe a student is missing should immediately notify Campus Police at 575-835-5555. When a report of a missing residential student is received by Campus Police, a preliminary investigation will be initiated. In most cases, Campus Police and/or Residential Life will initially attempt to locate a student by sending staff to check the student’s University residence and/or trying to reach the student using any contact information they provided for themselves in their Resident Registration Card.

MISSING STUDENT NOTIFICATION POLICY (CONT)

If the student's absence is verified, the University will notify any contact person(s) designated by the student not later than 24 hours after Campus Police determines the student to be missing. If the student is under 18 years of age and not an emancipated individual, the University will notify the custodial parent or guardian of the student and the contact person(s) designated by the student (if different from the student's custodial parent or guardian) no later than 24 hours after the student is determined to be missing.

When Campus Police determines a residential student to be missing, additional response may be taken including, but not limited to:

1. Notify other local law enforcement agencies.
2. Attempt to reach the student via phone, e-mail, social media, or other means of electronic communication.
3. Contact roommates, friends, teachers and acquaintances for any additional information that might help locate the missing student.
4. Conduct a search of the missing student's room or apartment, coordinated by Residential Life and/or Campus Police
5. Conduct a general campus search, coordinated by Campus Police.

If a missing student is located or returns to campus at any time after the matter has been reported, Campus Police and Residential Life will attempt to ensure other parties involved have been notified of the student's status.

Option for non-student residents to register contact information: The University provides some family housing for enrolled students who request to have their partners and/or dependents live with them on campus. During the summer and under special circumstances during other times of the year, the University also provides housing to persons affiliated with the University who are not enrolled in classes. Any person living in University housing, but who is not considered a registered student, will be allowed to submit emergency contact and in-case-of-considered contact missing information to be kept on file with Residential Life, i.e. students in family housing can submit contact information for their children. Residential Life will use or share with Campus Police this information when a non-student resident is reported missing and on a case-by-case basis in other circumstances.

MISSING STUDENT NOTIFICATION POLICY (CONT)

Procedures for reporting any missing person ON campus: A New Mexico Tech employee, student or other member of the college community receiving information regarding any alleged missing person should immediately report it to Campus Police by calling 575-835-5555 or by contacting the department in person at the Student Activities Center (SAC). Any person reported as missing to New Mexico Tech Police will be reported to the National Crime Information Center (NCIC) within two hours of a police officer deeming the person to be missing.

Procedures for reporting any missing student/person OFF campus:

Please Call: Socorro City Police: 575-835-4222 or 575-835-1883

Socorro County Sheriff: 575-835-0941 or 575-835-0741

New Mexico State Police District 11-Socorro: 575-835-0741





Sexual Misconduct Policy

Approved March 21, 2019
to replace NMT Interim Sexual Misconduct Policy

Campus-wide Administrative Policy

**New Mexico Institution of Mining and Technology
Socorro, New Mexico 87801**

SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

Responsible University Office:

- Office of the President

Effective Date: 3/21/2019

Date Revised: 8/1/2024

(due to Federal Title IX Regulations
2024 Amendments and HB 151)

Policy Owner(s):

- Vice President for Student Affairs
- Title IX Coordinator
- Equal Employment Opportunity and Affirmative Action (EEOAA) Director

Policy contact(s):

- Title IX Coordinator

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SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

I. Policy Statements

- A. New Mexico Institute of Mining and Technology (New Mexico Tech or the “University”) is committed to a healthy and safe learning, living, and working environment that promotes responsibility, dignity, and respect for all persons. New Mexico Tech prohibits all forms of discrimination however, this policy specifically relates to sex discrimination (sexual orientation, sex stereotyping, sex characteristics, pregnancy or related conditions, gender expression, gender identity, and various forms of sex-based harassment). Sex-based Harassment (e.g. sexual violence/assault, intimate partner violence, stalking, quid pro quo, and creating a hostile environment) 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 Educational Amendments of 1972; and 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.
- B. In this policy and its associated procedures, the University utilizes the term sexual misconduct to collectively apply to all forms of sex discrimination and any Title IX offenses (collectively “Title IX prohibited conduct”), as well as the other terms and violations defined below in Section III (collectively “prohibited conduct”). All Title IX prohibited conduct must follow the NMT Title IX Resolution Procedures (i.e., Grievance Procedure).
- C. All University members are prohibited from engaging in, or assisting, or abetting another’s engagement in sexual misconduct and any form of discrimination (i.e., prohibited conduct).
- D. This policy applies to University members, who include:
 1. University students, whether enrolled full-time or part-time, for credit or non-credit courses;
 2. University employees and
 3. third parties who are engaged in any University activity or program, or who are otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors, and guests.
- E. This policy applies to all forms of sexual misconduct, sex discrimination, and related retaliation committed by or against students, employees, and third parties when:
 1. the conduct occurs on University property;
 2. the conduct occurs in the context of a University employment or an education program or activity, including, but not limited to, University-sponsored academic, extracurricular (e.g. athletics/club sports), study abroad, research, online or internship programs or activities;
 3. the conduct occurs off University property and outside the context of a University employment or education program or activity, but has a continuing adverse effect on or creates a hostile environment for students, employees, or third parties while on University property or in any University employment or education program or activity; or
 4. the conduct indicates that the Respondent (accused) may present a danger or threat to the health or safety of University members.
 5. Title IX jurisdiction applies to all sex discrimination occurring under the University’s education program or activity in the United States. However, the University has an obligation to address a sex-based hostile environment under its education program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside the University’s education program or activity or outside the United States. In these cases, the University can only address the resulting or continuing sex-based hostile environment occurring under its education programs or activities, not the original conduct outside the US or outside its education programs or activities.
- F. This policy is applicable regardless of the sex, sexual orientation, or gender identity and gender expression of individuals engaging in sexual activity.
- G. This policy also includes information for students and employees on resources available

SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

following an act of sexual misconduct, New Mexico Tech responses, prevention, and supportive measures, the disciplinary process, possible disciplinary sanctions, remedies, and the University's requirement to collect and report general associate statistics in accordance to the Clery Act.

Any individual, who believes that they have been subjected to sexual misconduct or sex discrimination, is strongly encouraged to report the incident(s) to the New Mexico Tech Police Department (NMTPD), and/or internally with New Mexico Tech's Title IX Coordinator. The Title IX Coordinator can help stop the unwelcome behavior, remedy/resolve the situation with discipline, preventative, referrals, supportive measures (e.g. accommodations), and recommend other related support services or institutional changes.

- H. University employees must report incidents of assault or abuse of a child (i.e. under age 18) that they know about or have reason to believe is occurring or occurred on University property or at University-sponsored activities to the New Mexico Tech Campus Police and Title IX Coordinator.
- I. Except for Confidential Employees, all New Mexico Tech employees have been designated as **Mandatory Reporters** with regards to this policy and grievance procedure. These Mandatory Reporters are obligated to report any known or perceived sexual misconduct or sex discrimination to the University's [Title IX Coordinator](#) even if little information is known (see FREQUENTLY ASKED QUESTIONS section for more details). To the extent possible, information obtained, shared, or reported to a Mandatory Reporter will be communicated with the Title IX Coordinator within 24-hours. These Mandatory Reporters and the Title IX Coordinator will not share personally identifiable information with New Mexico Tech Campus Police or other law enforcement without the Complainant's/ victim's consent or unless the victim has also reported the incident to law enforcement. This information is considered private.
- J. Employees whose communications are privileged or confidential under federal or state law (e.g. Counselors, Medical Professionals) are considered **Confidential Employees**. The University has also extended the role of a Confidential Employee to its two (2) Ombudspersons. Complainants going to these individuals would receive the same confidentiality as they would with the University counseling and medical staff.

However, these Confidential Employees must share (1) that they are confidential, including when they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (2) how to contact New Mexico Tech's Title IX Coordinator and how to make a complaint of sex discrimination; and (3) that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

New Federal Title IX regulations have established confidentiality for some researchers. Research covered by IRB on sex discrimination (institutional or other IRB), are confidential with respect to that study (not in other roles), and they do not have to share the information that other confidential resources do as stated in "J." above.

- K. Concurrently, the University complies with all related local, state, and federal laws including the Campus Sexual Violence Elimination Act ("Campus SaVE Act") amending the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), which is a federal law that requires colleges and universities to have procedures in place to respond to incidents. As mentioned above, New Mexico Tech also complies with Title IX of the Education Amendments of 1972 (Title IX), that is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities.
- L. It is a violation of Title IX and University policy to retaliate against any person who makes a complaint or report of sexual misconduct or testifies, assists, or participates in an investigation or

SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

proceeding regarding an allegation of sexual violence or sexual misconduct. Concerns that a student or employee has threatened to retaliate or has retaliated against another student or employee should be reported promptly to the Title IX Coordinator or Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC) Director. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled.

- M. New Mexico Tech is dedicated to preventing and resolving sexual misconduct and Title IX offenses by providing:
 - 1. Awareness and prevention programming
 - 2. Assistance and support for students and employees affected by violence and other forms of discrimination or harm.
 - 3. Reports of sex discrimination, sexual misconduct, and any form of discrimination will be taken seriously and dealt with promptly and equitably.
 - 4. Processes for reliable and impartial investigation and adjudication that include appropriate disciplinary sanctions for those who commit Title IX offenses or sexual misconduct, including limiting access to campus facilities, suspension, and dismissal.
 - 5. Support and guidance from the campus Title IX Coordinator will also include resources to help students and employees better understand Complainant rights and Respondent rights.
 - 6. Where offenses are found to have occurred, New Mexico Tech will act to stop the reported conduct, prevent its reoccurrence, remedy its effects, and discipline those found responsible.
- N. Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.

II. Terms

- A. **Affirmative Consent** is affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. This higher level of consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Affirmative 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. This definition of affirmative consent does not vary based on an individual's sex, sexual orientation, gender identity, or gender expression.

The following factors will be considered when determining whether Affirmative Consent was given.

- 1. Each individual who wishes to engage in sexual contact is responsible for obtaining Affirmative Consent from the other individual or individuals who intend to be involved in the sexual activity.
- 2. A lack of protest, the absence of resistance, and silence do not by themselves indicate consent.
- 3. The existence of a present or past sexual, dating, or other romantic relationship between the individuals involved does not by itself imply consent to sexual contact.
- 4. Affirmative consent must be present throughout the sexual interaction, it must be given, and can be withdrawn at any time.
- 5. When consent is withdrawn, all sexual contact must stop. Where there is confusion about the state of consent, sexual contact must stop until the individuals have verified the Affirmative Consent of all individuals involved.
- 6. Affirmative Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

Affirmative Consent is not obtained where:

1. An individual is compelled to engage in unwanted sexual contact through the use of coercion. Coercion may consist of physical force, intimidation, threats, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact.
2. An individual involved in sexual contact is incapacitated due to the influence of drugs or alcohol, and a reasonable person would know of this incapacitation. Incapacitation due to the influence of drugs or alcohol is a state beyond mere intoxication or impaired judgment. Some indicators of incapacitation due to the influence of drugs or alcohol may include:
 - a. A lack of control over one's physical movement (e.g., an inability to walk or stand without stumbling or assistance).
 - b. An inability to effectively communicate (e.g., where one's speech is heavily slurred, incomprehensible, or nonsensical).
 - c. A lack of awareness of one's circumstances or surroundings (e.g., a lack of awareness of where one is, how one got there, who one is with, and how or why one became engaged in sexual contact).

Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. The University examines the record for other behaviors like stumbling or otherwise exhibiting loss of equilibrium; slurred speech or word confusion; bloodshot, glassy or unfocused eyes; vomiting, especially repeatedly; being disoriented, or confused as to time or place; or loss of consciousness. Should the evidence in the record demonstrate that one or more such behaviors were objectively apparent at the time the alleged unconsented-to or unwelcomed sexual activity occurred, and then the evidence may demonstrate that the respondent knew or should have known that the Complainant was incapable of giving meaningful Affirmative Consent to sexual activity due to incapacitation (e.g. intoxication). If the person initiating the sexual activity is also under the influence of alcohol or drugs, that does not diminish their responsibility to obtain Affirmative Consent nor is it a defense to charges of violation of this policy. 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.

3. An individual involved in sexual contact is unable to communicate or understand the nature or extent of the sexual situation because of a physical or mental condition.
4. An individual involved in sexual contact is asleep, unconscious or involuntarily physically restrained.
5. An individual involved in sexual contact is not of legal age to give consent pursuant to New Mexico state law.

Please note, under NM State law children who are less than 13 years of age are incapable of consent under all circumstances. Sexual activities with someone who is at least 13 years of age and less than 16 years of age are only legal if the defendant is less than 18 years of age and less than 4 years older than the victim.

- B. Complainant** means (1) a student or employee who is alleged to have been subjected to conduct that could constitute sexual misconduct or sex discrimination under Title IX; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sexual misconduct or sex discrimination under Title IX and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination. Throughout this policy, its related documents, and in other New Mexico Tech policies, the complainant may be referred to as the reporting party or impacted

SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

individual. Some advocates and other entities may also refer to the complainant as the victim or survivor. In a Title IX grievance process, an individual must be affiliated or a former affiliate participating or attempting to participate in an education program or activity when the incident occurred. Complainants can also be guest speakers, volunteers, or potential students on a college visit are either attempting to or participating in an educational program or activity (e.g. sports, theater or fine arts fan) and therefore have a right to file a Title IX report.

- C. **Complaint** is an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination under Title IX.
- D. **De minimis harm** is a risk assessment term and principle that refers to the highest level of risk that is still too small to be concerned with. According to new Title IX regulations (§ 106.31(a)(2)), schools cannot treat people differently based on sex in a way that causes "more than de minimis harm" unless permitted by Title IX. Under Title IX, preventing someone from participating in an activity that matches their gender identity is considered more than de minimis harm and is prohibited.
- E. **Disciplinary sanctions** mean consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the University's prohibition on sex discrimination.
- F. **Formal Resolution** under the University's Sexual Misconduct Policy and Title IX is a grievance process that begins when a complaint is filed alleging sex discrimination or other forms of sexual misconduct. This grievance process ends (1) if the parties agree to resolve the matter through the Informal Resolution process; (2) the Complainant withdraws their complaint; (3) if after an initial assessment by the Title IX Coordinator and any additional requests for information it is determined there is insufficient information to continue with a Formal Complaint of this nature (i.e. the matter cannot officially continue as a Title IX case but can be referred to be resolved by other University grievance processes); or (4) after a due process that includes an investigation, adjudication, and any associated appeal.
- G. **Grievance Procedures** is the process the University follows to resolve formal complaints of sex discrimination or sexual misconduct that is fair, equitable, and incorporates due process principles. The process ensures that all parties are treated fairly and that the grievance process is not used for retaliation.
- H. **Incapacitation** is when a person lacks the ability to voluntarily agree (i.e. give Affirmative Consent) to sexual activity because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that sexual activity is occurring, or is unable to appreciate the nature and quality of the act. Incapacitation is not necessarily the same as legal intoxication. A party who engages in sexual conduct with a person who is incapacitated, under circumstances in which a reasonable sober person in similar circumstances would have known the person to be incapacitated is responsible for Title IX Prohibited Conduct. Except for sanction considerations, it is not a defense that the Respondent's belief in Affirmative Consent arose from their own intoxication.
- I. **Informal Resolution (IR)** under this policy and Title IX is a voluntary agreement between parties involved in allegations of sex discrimination or other sexual misconduct. It's an alternative to a formal investigation and can be used to address allegations of this policy or sex discrimination violations. The IR process is intended to be flexible and provide a range of possible outcomes. The IR process is mediated by a trained IR administrator. The final outcomes of the IR must be agreed upon by the parties and the Title IX Coordinator.
- J. **Parties** means the Complainant or Respondent

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- K. **Peer Retaliation** is retaliation by a student against another student for the purpose of:
1. interfering with Title IX rights, or
 2. because the person participated in some way in the Title IX grievance procedure and
 3. may sometimes also constitute sex-based harassment.
- L. **Prohibited Conduct** is the term used collectively by the University referring to behaviors that all University employees and students are prohibited from engaging in, or assisting or abetting another's engagement in, such as sexual misconduct, and related retaliation. Title IX Prohibited Conduct calls out specific behaviors where the University uses the collective term sexual misconduct for the same violations.
- M. **Pregnancy or related conditions** means:
1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- N. **Relevant** means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.
- O. **Remedies** means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the University's education program or activity after the University determines that sex discrimination occurred or the result of an Informal Resolution. Remedies may include Supportive Measures, but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
- P. **Respondent** shall mean the individual reported to have allegedly committed the violation of the University's Sexual Misconduct Policy. Throughout this policy, its related documents, and in other New Mexico Tech policies, the Respondent may also be referred to as the accused or perpetrator.
- Q. **Sex Discrimination** (see definitions in Section III. Violations below)
1. **Discrimination on the Basis of Sex:**
 - a. sex stereotypes
 - b. sex characteristics
 - c. pregnancy or related conditions
 - d. sexual orientation, and
 - e. gender identity
 2. **Sex-Based Harassment:**
 - a. Quid pro quo harassment
 - b. Hostile environment harassment
 - c. Specific offenses
 - Sexual assault
 - Dating violence (i.e. intimate partner violence)
 - Domestic violence (i.e. intimate partner violence)
 - Stalking
 3. **Non-harassment sex discrimination**
 - a. Differential treatment

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- b. Failure to provide reasonable accommodations for pregnancy and related conditions
- c. Retaliation
- R. **Sexual Misconduct** shall mean the University's comprehensive term for any form of sex discrimination, sex-based harassment, sexual violence/assault, stalking, and intimate partner violence as defined in section III. Violation below. This can be any Title IX offense or any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person. It can also be actual, attempted, or threatened sexual contact with another person without that person's consent.
- S. **Standard of Evidence** is the degree of certainty or the amount of evidence required to establish a violation has occurred. New Mexico Tech utilizes the Preponderance of the Evidence for resolving complaints under this policy. In the Preponderance of Evidence Standard, the University would need to determine it was more likely than not that violation (e.g. sexual misconduct, harassment, abuse) occurred to find the Respondent to be in violation of this policy. This standard is not as stringent as the Clear and Convincing Standard or Beyond a Reasonable Doubt Standard.
- T. **Student with a disability** means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).
- U. **Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:
 1. Restore or preserve that party's access to the University's education program or activity, including measures that are designed to protect the safety of the parties or the University's educational environment; or
 2. Provide support during the University's grievance procedures under § 106.45, and if applicable § 106.46, or during the informal resolution process.Supportive measures may include 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.
- V. **Title IX** or Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et. Seq., with implementing regulations, 34 C.F.R. Part 10, is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Sex discrimination and other forms of sexual misconduct interfere with a student's right to receive an education free from discrimination or an employee's right to a discrimination-free work environment. According to Title IX, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."
- W. **Title IX Prohibited Conduct** means conduct or behavior that is prohibited under Title IX (i.e. sex discrimination).
- X. **Trauma-informed Response** means a response involving an understanding of the complexities of sexual misconduct dating violence, domestic violence, sexual assault and harassment or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding the causes and impacts of trauma with an understanding of perpetration methodology and how to conduct an effective investigation.
- Y. **University Property** shall mean all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, either solely or in conjunction with

SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

another entity.

- Z. **University-Sponsored Activities and Educational Programs** shall mean any program or event sponsored by the University, including but not limited to those sponsored by student groups. These activities can be hosted at on or off-campus venues.

III. Sexual Misconduct Violations (but not limited to):

- A. **Domestic abuse:** under the Family Violence Protection Act, “domestic abuse” is defined as “an incident of stalking or sexual assault whether committed by a household member or not” resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear or bodily injury by any household member, criminal trespass, criminal property damage, repeatedly driving by a residence or workplace, telephone harassment, harassment, or harm or threatened harm to children. Under the Family Violence Protection Act, “household members” include a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. Violation of any provision of an order of protection issued under the Family Violence Protection
- B. **Dating violence:** under New Mexico’s Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship. Under the Violence Against Women Act of 2013 (42 USC § 13925) dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. The length of the relationship.
 - 2. The type of relationship.
 - 3. The frequency of interaction between the persons involved in the relationship.These violations are also considered misdemeanor crimes and constitutes contempt of court and may result in a fine or imprisonment or both.
- C. **Domestic violence:** under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery, and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child, or person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order of protection granted to protect an individual who has experienced sexual violence or domestic abuse is a misdemeanor crime.
- D. **Intimate partner violence:** is the general term the University will utilize to encompass domestic violence, domestic abuse, and dating violence that includes physical, sexual, or psychological harm (e.g. emotional abuse) as defined above.
- E. **Hostile environment harassment:** is behavior that is unwelcome, sex-based, subjectively and objectively offensive, as well as so severe or pervasive that it results in a **limitation or denial** of a person’s ability to participate in or benefit from the University’s education program or activity.
- F. **Non-consensual oral sex:** non-consensual contact between one person’s mouth and the genitals or

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- anus of another person.
- G. **Quid pro quo harassment:** is when an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. This can include related situations where there is a power differential between the parties (e.g. supervisor and employee, instructor or teaching assistant and student).
 - H. **Peer Retaliation:** means retaliation by a student against another student.
 - I. **Rape:** non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
 - J. **Retaliation** is any form of intimidation, reprisal or harassment against an individual because the individual has made a report of sexual misconduct or has participated in an investigation of sexual misconduct by or of a University community member including:
 - 1. firing, refusing to hire, or refusing to promote the individual;
 - 2. departing from any customary employment or academic practice regarding the individual;
 - 3. transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status;
 - 4. informing another student, staff, or faculty member who does not have a need to know that the individual has made a complaint or participated in an investigation of a complaint of sexual misconduct; and
 - 5. impeding the individual's academic advancement in any University activity or program. In order for a behavior to be retaliation, the negative action must have been taken because of the report or participation in the investigation.
 - K. **Sex discrimination:** is discrimination on the basis of sex (e.g. sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) and sex-based harassment. This includes differential treatment of individuals or groups based on sex, gender, sexual orientation; instead of their behavior or qualifications.
 - L. **Sexual assault*:** actual or attempted sexual contact without affirmative consent; or a threat to engage in contact that would be, if the threat were carried out, sexual contact without affirmative consent. Some forms of sexual assault include:
 - 1. Penetration of the victim's body, also known as rape
 - 2. Attempted rape
 - 3. Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator's body
 - 4. Fondling or unwanted sexual touching* Source: The Rape Abuse and Incest National Network (RAINN)
 - M. **Sexual contact/battery:** non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.
 - N. **Sexual exploitation:** taking sexual advantage of another person without consent, including, without limitation, indecent exposure; voyeurism; non-consensual recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; and/or allowing third parties to observe private sexual acts. The use of technology, electronic mail, or computer to disseminate sex discrimination based communications or sexually explicit images; and the posting of pornography or other sexually explicit materials in University offices, classrooms, or any other public area owned or controlled by the University.
 - O. **Sex-based harassment:** Sex-based harassment is unwelcome conduct of a sexual nature. Sex-based harassment covered by this policy generally falls into one of three categories (quid pro quo, hostile environment, and specific offenses). Conduct of a sexual nature becomes a violation of this policy when:
 - 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement (**quid pro quo**);

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2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual (**quid pro quo**); or
3. unwanted conduct of a sexual nature is sufficiently serious (i.e., severe or pervasive), subjectively and objectively offensive as to deny or limit a person's ability to participate in or benefit from the University's education programs, services, opportunities, or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment (**hostile environment**).

Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made as to not only whether the conduct was unwelcome to the person who feels harassed but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. The following factors also will be considered:

1. The degree to which the conduct affected one or more student's education or individual's employment.
2. The nature, scope, frequency, duration, and location of incident or incidents.
3. The identity, number, and relationships of persons involved.
4. The nature of higher education or employment status of the parties, such as inherent power differentials.

Listed below are sample behaviors that may constitute sex-based harassment (either quid pro quo, hostile environment, or specific offenses, as defined above), depending on the particular circumstances of the situation:

1. Suggestive or obscene letters, notes, invitations
2. Electronic communications, such as e-mail, text messaging, and Internet or network use, that are sexual in nature
3. Unwelcome sexual jokes or comments (including favorable comments about someone's gender, body, or appearance)
4. Impeding or blocking movements, touching, or any physical interference or stalking
5. Sexually oriented gestures; or displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters
6. Threats or insinuations that refusal to provide sexual favors will result in reprisals; withholding support for appointments, recommendations, promotions, or transfers; or change of assignments or poor performance reviews or grades
7. Sex-based violence, including, but not limited to, rape, sexual assault, sexual battery, sexual coercion, intimate partner violence, and stalking.

While sex-based harassment often takes place under circumstances where a power differential between the persons involved exists, this policy recognizes that sex-based harassment also may occur between persons of the same University status: student-student, faculty-faculty, and staff-staff (i.e. between peers). Additionally, the prohibition against sex-based harassment applies regardless of the gender or gender identity of the parties. Sometimes harassers target a person who has authority over them. Harassers can also be persons who are not members of the University community, such as contractors or visitors. Regardless of the status of the parties, the University does not tolerate this kind

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of behavior and the University is committed to maintaining an environment free from sex-based harassment.

Sex-based harassment is especially serious when it threatens relationships between students and teachers, or relationships between supervisors and their subordinates. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's or employee's success and future career at the University and beyond.

The University prohibits all forms of sex discrimination, including sexual violence and other forms of sexual misconduct.

- P. **Sexual violence:** refers to physical sexual acts perpetrated with force or coercion against a person's will; or where a person has not given consent as defined in this policy or is unable to consent due to their use of alcohol or drugs, or disability, or age.
- Q. **Stalking:** is a course of conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to feel fear. This can be in a physical form or electronically. Under New Mexico law, "stalking" is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. "Aggravated stalking" consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

IV. Sanctions

The following sanctions may be imposed singly or in combination upon any member of the community found to have violated this Sexual Misconduct Policy:

- A. **Student Sanctions**
 - 1. Warning
 - 2. Probation
 - 3. Restrictions
 - 4. Educational Assignments
 - 5. Referrals or Required Counseling
 - 6. Suspension
 - 7. Expulsion
 - 8. Withholding a Diploma or Degree
 - 9. Revocation of Admission or Degree
 - 10. Transcript Notation
 - 11. Organizational Sanctions
 - 12. Other actions as outlined in Section V. of the Student Code of Conduct.
- B. **Employee Sanctions (listed below and defined in [Employee Handbook](#))**
 - 1. Warning – Written or Verbal
 - 2. Performance Improvement Plan
 - 3. Required Counseling
 - 4. Required Training or Education
 - 5. Demotion
 - 6. Loss of Annual Pay Increase
 - 7. Suspension without Pay

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8. Suspension with Pay
9. Revocation of Tenure
10. Termination

There are many factors considered when determining appropriate sanctions. New Mexico Tech utilizes [Sanctioning Guidelines for Sexual Misconduct/Title IX Violations](#) when establishing student sanctions.

V. Jurisdiction

- A. The Dean of Students Office (DOSO), Office of Graduate Studies (OGS), Title IX Office, and AA/EEOC are not law enforcement agencies. As such, while these office may be charged with investigating allegations of sexual violence and sexual misconduct as provided in this policy, they do not enforce criminal statutes. Enforcement of criminal statutes is the sole jurisdiction of law enforcement agencies. Similarly, while they generally have jurisdiction to administratively investigate claims of sexual misconduct, depending on the allegations made, the DOSO, OGS, Title IX Office, and AA/EEOC may not have jurisdiction to investigate all alleged sexual misconduct. The information received from an individual reporter/s or Complainant/s will be reviewed and a determination will be made as to whether the DOSO, OGS, Title IX Office, or AA/EEOC has jurisdiction over the concerns.
- B. Conduct occurring off-campus can be the subject of a complaint or report and will be evaluated to determine whether it implicates this policy or the [Student Code of Conduct](#). If off-campus sexual misconduct has continuing effects that create a hostile environment on campus for an individual who has experienced sexual misconduct, the University will address the behavior to determine if the on-campus behavior constitutes a violation of this policy or any other University policy. The University will not take up or adjudicate the original off-campus behavior. If the University investigates the on-campus behavior, supportive measures may be implemented.

VI. Amnesty From Disciplinary Action

One of New Mexico Tech's primary concerns is the safety of its students and employees. To facilitate reports and thorough investigations of prohibited conduct or sexual misconduct, individuals who report information about possible sexual misconduct violations to the University, and individuals who participate in an investigation under this policy, will not be disciplined by the University for violations of its drug and alcohol policies that occurred in connection with the reported prohibited conduct and were discovered as a result of a prohibited conduct report or investigation. This amnesty provision applies to complainants, respondents, and other individuals who participate in an investigation under this policy. However, this amnesty provision does not apply to a person who has given another person alcohol or drugs without their knowledge and with the intent of causing them to become incapacitated and therefore vulnerable to experiencing prohibited conduct.

Moreover, the University may offer leniency with respect to other violations that emerge as a result of a prohibited conduct report or investigation, depending on the circumstances involved.

However, students and employees should understand that any violation of state or federal criminal law involving the use or possession of alcohol or illegal drugs may result in prosecution. New Mexico Tech cannot grant amnesty from proceedings in the criminal justice system. Prosecution decisions are made by

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the District Attorney's Office in the state criminal justice system and by the U.S. Attorney's Office in the federal criminal justice system.

VII. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy to the greatest extent possible. The University will maintain the privacy of student records in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act (FERPA). The University will maintain the privacy of employee records in accordance with applicable state and federal law. In accordance with these legal requirements, the University will make reasonable efforts to protect the privacy of individuals while also fulfilling the need to gather information to assess the report, to take steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, and to satisfy the due process rights of the parties.

The University has a compelling interest in protecting the integrity of its investigations, protecting the privacy of parties and witnesses, and protecting parties and witnesses from harassment, intimidation, or retaliation because of their participation in an investigation. To further these goals, witnesses and parties are asked to keep confidential the information that they learn about an investigation (including the allegations, the identities of the parties, witnesses, and the questions asked in interviews). In particular, witnesses and parties are advised not to discuss the investigation or allegations with anyone who they believe could be a witness.

In some circumstances, the University may find it necessary to require that parties and witnesses keep confidential all information related to the investigation to prevent harm to individuals or the work or academic environment. For example, University members may be required to maintain confidentiality to protect University members from harassment, intimidation, and retaliation; to keep evidence from being destroyed; to ensure that testimony is not fabricated or contaminated by others; to prevent a cover-up; or to prevent serious disruption of the work environment. The parties and their Advocates may be asked to sign a Non-disclosure form on some aspects of their case.

On the New Mexico Tech campus, the NMT Health Center and NMT Counseling Center & Disabilities Office in the Fidel Center are the only offices on campus where disclosures of sexual misconduct may be made confidentially. A victim can seek assistance and support from the medical personnel and support staff in the Student Health Center without triggering a University investigation. Individuals working or volunteering in those offices can confide in the Title IX Coordinator without revealing any personally identifiable information regarding the incident. New Mexico Tech's Employee Assistance Program (EAP) can also provide confidential resources to New Mexico Tech employees. Individuals can change their minds and make a report to the Title IX Coordinator or law enforcement at any time.

In addition to the two confidential offices mentioned above, the University has a Faculty Ombudsman and Staff Ombudsperson (i.e. Ombuds) who are considered Confidential Employees.

VIII. Rights of the Parties

- A. During the investigation following a report of sexual misconduct to New Mexico Tech, and prior to a final determination being made, the reporting party (“[Complainant](#)”) and responding party (“[Respondent](#)”) have equal rights. Below is a sample of the rights to which both parties are entitled:
1. To be treated with respect, dignity, and sensitivity throughout the process.
 2. To written notification about their right to change academic, living, transportation, or work situations even if they do not formally report or participate in the University’s investigatory or disciplinary process.
 3. To written notification of a student or employee’s rights and options, regardless of whether the crime took place on campus or off campus.
 4. To be provided information on how the University will protect the confidentiality of the parties.
 5. To notification of available services for mental health/counseling, advocacy, legal assistance, and other available community resources.
 6. To be informed of the University’s sexual misconduct policies and procedures.
 7. To a timely and thorough investigation of the allegations.
 8. To participate or decline to participate in the investigation or disciplinary process. However, these processes may still occur and decisions made based on the information available.
 9. To the opportunity to have one (1) advisor/advocate (i.e. Support Person) present at any meeting or hearing with University officials for support and/or consultation.
 10. To the opportunity to be present and have others (e.g. witnesses) provide evidence about alleged violations in disciplinary proceedings (informal or formal).
 11. To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (both parties are free to share the outcome with anyone they wish).
 12. To disagree with the decision and/or sanctions determined by the informal/investigative proceedings.
 13. To request an appeal of the decision and/or sanctions determined by the formal disciplinary proceedings.
 14. To be protected from retaliation for their involvement in the University’s investigatory and disciplinary proceedings.
 15. To information on obtaining orders of protection and no contact orders.
- B. Respondents are only required to meet with the campus authority (e.g. Title IX office, AA/EEOC) to hear the allegations and learn about the prohibited conduct and the rest of the associated grievance process.
1. Student Respondents who fail to attend this initial meeting with the campus authority in sexual misconduct cases will have a hold placed on their student account and in some situations will also receive an Interim Suspension until the time of the initial meeting occurs.
 2. Respondents are not required to respond to the allegations or provide other information to the campus Title IX office.
 3. However, if the Respondent does not provide information, the investigation will proceed based on the information available.
- C. Individuals experiencing sexual discrimination, sex-based harassment or retaliation and the matter is not effectively resolved according to our procedures, individuals also have the right to file a formal grievance with government authorities:

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U.S. Department of Education Office for Civil Rights
Denver Office for Civil Rights, U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
FAX: (303) 844-4303; TDD: (800) 877-8339
Email: OCR.Denver@ed.gov

- D. Victims, complainants, or reporters of sexual misconduct should review “New Mexico Tech’s Procedures to Follow if You are a Victim or Complainant of Sexual Harassment or Another Form of Sexual Misconduct” in the Procedures Section of this policy.
- E. Respondents or the accused should review “New Mexico Tech’s Procedures to Follow if You are the Respondent or Accused of Committing Sexual Harassment or Another Form of Sexual Misconduct” in the Procedures Section of this policy.

IX. Resources Following an Act of Sexual Misconduct or Other Forms of Sex Discrimination

While the University encourages an individual who has experienced sexual misconduct to make an official report, whether the person chooses to do so, they are urged to seek appropriate help. There are numerous resources for students and employees on campus at New Mexico Tech or externally in the community or region. Specific resources, either on or off campus for medical treatment, legal evidence collection, obtaining information, support, counseling, and officially reporting an incident of sexual misconduct can be found on [New Mexico Tech’s Title IX website](#) from the Title IX office, Counseling Center and Health Center.

Those resources can assist a person to access the full range of services available. Students and employees accused (respondent) of committing an act of sexual misconduct may obtain confidential and anonymous support and counseling at NMT Counseling Center and the Fidel Student Center. Employees can receive support and advice from the Office of Human Resources or Office of AA/EEOC.

X. Supportive Measures

The Title IX Coordinator, Vice President of Student Affairs, and the Dean of Students or designees’ have the authority to implement supportive measures which stay in place until the end of any review or appeal process. These administrators Vice President of Student can impose a “no contact” order (NCO), which typically directs the complainant and respondent not to have contact with each other, either in-person or through electronic communication, pending the investigation and resolution of a complaint. These administrators can work collaboratively with the Academic Affairs office and the Office of the Registrar to arrange for changes in academic and/or on-campus living situations, as needed. Other supportive measures, as appropriate, can be implemented by these administrators before the final outcome of the investigation and afterward as needed. Employee Complainants are encouraged to communicate with their supervisor, the Office of Human Resources, and AA/EEOC, for supportive measures as needed.

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XI. Investigations

The University will not officially conduct an investigation without first informing the Complainant to get consent, however there are some cases where the University will investigate related tips while maintaining your confidentiality. A Support Person may be present (e.g. advisor, advocate, parent, attorney, etc.) during any questioning related to this incident. The University will follow the direction of law enforcement authorities in obtaining, securing, and maintaining evidence relating to the sexual misconduct incident. University authorities will also assist in preserving materials which are relevant to a University disciplinary proceeding. The University will not wait for the conclusion of a criminal investigation before beginning a Title IX investigation. More details regarding the investigative process can be found in the URLs below in the PROCEDURE section of this policy.

XII. Grievance Proceedings

New Mexico Tech's grievance procedures for resolving allegations of sexual misconduct against students are slightly different from those used for employees. In these University grievance proceedings, both parties are allowed a Support Person present, such as an advisor, advocate, or attorney. The University utilizes the preponderance of the evidentiary standard for resolving a complaint of this policy. The due process followed by New Mexico Tech allows for an informal resolution option, a formal hearing, and an appeal process if needed. The standard procedures are impartial and provide the opportunity for both the Complainant and Respondent to make statements, call witnesses, and present evidence. Each party has the right to be notified of the outcome of any University disciplinary or grievance proceeding concerning a complaint, subject to the limitations of the New Mexico Government Data Practices Act, as well as be informed of any appeal procedures. Both parties must agree to engage in an informal resolution process. If needed, the formal hearing's decision regarding the violation and/or any associated sanctions can be appealed. Any other potential violation of the University's Student Code of Conduct or Employee Handbook will be addressed separately from the sexual misconduct allegation. See the [NMT Title IX Procedures](#) for more details.

XIII. FERPA

The Family Educational Rights and Privacy Act (FERPA) protects students' educational records, including reports made to the Title IX Coordinator and disciplinary complaints. FERPA prohibits the University from releasing these records to persons outside the institution without the student's consent except in response to a lawful subpoena or other special circumstances as required by law. As required by law and in compliance with the Department of Education, New Mexico Tech will notify both the complainant and respondent of sexual misconduct cases of University disciplinary proceedings and any sanctions imposed on either party. Details of some sanctions (e.g. private mature) may not be completely disclosed.

XIV. Timely Warning Alerts/Emergency Notification

If a report of sexual misconduct or Title IX offense reveals there is an immediate threat to the health or safety of students or employees on campus or that ongoing serious or continuing threat to the campus community exists, an Emergency Notification or a Timely Warning will be issued. The purpose of a

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Timely Warning is to enable persons to protect themselves, heighten safety awareness, and seek information that will lead to an arrest and conviction of the perpetrator/s. The victim's name and other personally identifying information will NOT be included in any Emergency Notification or Timely Warning.

As required by law (i.e. Clery Act), all cases of sex discrimination, sex-based harassment, sexual assault, intimate partner violence, and stalking will be included in the University's [Annual Security and Fire Safety Report/Crime Statistics](#).

XV. Title IX Coordinator

The New Mexico Tech's Title IX Coordinator [(575) 835-5953 or titleixcoordinator@nmt.edu], oversees compliance with all aspects of sexual discrimination, sex-based harassment, and this sexual misconduct policy. The Title IX Coordinator reports directly to the Vice President for Student Affairs and Chief Diversity Officer of New Mexico Tech. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to [make a report](#) relating to sexual discrimination sex-based harassment, and sexual misconduct policy or NMT Title IX Prohibited Conduct may do so by reporting the concern to the University's Title IX Coordinator or Deputy Title IX Coordinator.

If an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Vice President for Student Affairs and Chief Diversity Officer (575) 835-5880.

Additionally, anonymous reports can be made by victims and/or third parties using the [online reporting form](#) or the reporting hotline at (575) 835-5005. Note that these anonymous reports may prompt a need for the University to investigate and not having all the needed information may make it difficult to effectively protect the reporter from further harm and adjudicate a disciplinary case.

XVI. Providing False Information

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of sexual misconduct under this policy, even if an investigation fails to substantiate the allegation.

Notwithstanding this provision, the University may discipline employees or students when it has been determined that they brought an accusation of sexual misconduct in bad faith or with reckless disregard of the truth or falsity of the claim. Additionally, anyone participating in an investigation who intentionally misdirects an investigation, whether by falsehood or omission, may be subject to disciplinary action.

REASON FOR POLICY

The Student Code of Conduct Policy and employee policies in the Employee Handbook prohibit conduct covered by this administrative policy. Further, this policy in part establishes and communicates

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associated procedures for responding to incidents involving sexual misconduct. The commitment of the entire Tech community to this policy contributes to our goal of creating a campus free from sexual misconduct, sex discrimination, and other forms of sex-based harassment that may occur within a personal or intimate relationship, as well as preventing a hostile environment.

PROCEDURES

- [NMT Sexual Misconduct Reporting Options & Procedures](#)
- [NMT Title IX Resolution Procedures](#)
- [Employee Handbook](#)

APPENDICES

- [Complainant's Rights Related to Gender-based Discrimination/Sexual Misconduct, Stalking, Intimate Partner Violence, and Retaliation Cases](#)
- [Respondent's Rights Related to Gender-based Discrimination/Sexual Misconduct, Stalking, Intimate Partner Violence, and Retaliation Cases](#)
- [Sanctioning Guidelines for Sexual Misconduct/Title IX Violations](#)

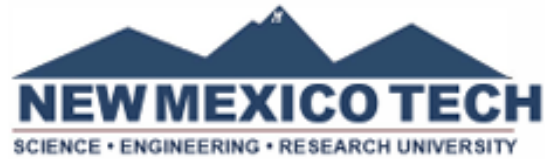
FREQUENTLY ASKED QUESTIONS

- [Grievance Process Investigations and Accommodations](#)
- [Retaliation](#)
- [Supervisor Obligations](#)

CONTACTS

Subject	Phone	Email
Title IX Coordinator	575-835-5953	titleixcoordinator@nmt.edu
AA/EEOC Director & Deputy Title IX Coordinator	575-835-5005	affirmative-action@nmt.edu
Director of Counseling Center	575-835-5780	counseling@nmt.edu
NMT Police Department	575-835-5434	dispatcher@nmt.edu

Please Note: When using a campus phone, dial the last 4-digits or dial 9 before dialing the full numbers above.



Drug and Alcohol Policy

New Mexico Tech
Office of the President

The purpose of this document is to establish guidelines for the implementation of the Drug-Free Workplace Act (DFWA) of 1988 and Part 86 of the 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA) as articulated in the Education Department General Administrative Regulations (EDGAR)

Campus-wide Administrative Policy
New Mexico Institute of Mining and Technology
Socorro, New Mexico 87801

The document will be updated as changes to federal and state regulations occur; we would appreciate any information and/or insight that would help us develop stronger policies for NMT's research community.

UNIVERSITY POLICY ON ALCOHOL AND DRUGS

Drug and Alcohol Free Campus

Last Revised: Dec. 15, 2023

Responsible University Office:

- Office of the President

Effective Date: August 19, 2019

Date Revised: September 15, 2023
December 15, 2023

Policy Owner(s):

- Vice President for Student Life
- Vice President for Academic Affairs
- Vice President for Administration and Finance
- Vice President for Office of Research
- Dean of Students
- Director of Human Resources

Policy Contact(s)

- Dean of Students
- Director of Human Resources

I. Purpose

New Mexico Institute of Mining and Technology (NMIMT), referred to as New Mexico Tech (NMT) is required to comply with local, state and federal regulations, including Part 86 of the 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA). The Department of Defense and the Drug Free Schools and Communities Act promulgated the Drug Free-Workforce rules. The President of the university has directed administrators to institute and maintain programs that meet the requirements of federal drug and alcohol regulations.

Drug-Free Schools and Communities Act (DFSCA), Part 86

[Part 86 of the 1989 amendments to the Drug-Free Schools and Communities Act](#) as articulated in the Education Department General Administrative Regulations (EDGAR) lays out several requirements for institutions of higher education (IHEs) receiving any form of federal funding. Regulations requirements states that IHEs must:

1. Develop and implement an alcohol and other drug abuse (AOD) program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees;
2. Annually, notify all students and employees in writing of (1) standards of conduct; (2) possible legal sanctions and penalties; (3) health risks associated with alcohol and other drug abuse; (4) AOD programs available to students, staff and faculty; and (5) disciplinary sanctions for violating the standards of conduct;
3. Every two years, conduct a review of its AOD program for effectiveness and consistency, identify and implement any necessary changes and prepare a report.

Failure to comply with the regulations listed above may result in the Secretary of the U.S. Department of Education terminating all forms of federal financial assistance.

UNIVERSITY POLICY ON ALCOHOL AND DRUGS

Drug and Alcohol Free Campus

Last Revised: Dec. 15, 2023

II. Policy

A. Illicit Drugs and Alcohol

It is the goal of New Mexico Tech (NMT) to provide a drug-free environment for all University students and employees. To achieve this goal and to comply with federal law, NMT prohibits the unlawful sale, manufacture, distribution, dispensation, possession, and use of controlled substances, including marijuana and unauthorized use of prescription drugs, on its property. NMT prohibits the unlawful sale, manufacture, distribution, possession, and consumption of alcohol, on its property except by permit. Every NMT student and employee must abide by the terms of this statement, abide by all applicable policies of NMT and abide by local, state and federal laws regarding the unlawful possession or distribution of illicit drugs and alcohol. Due to federal law, cannabis is not allowed on University property with or without a medical marijuana card. As long as New Mexico Tech accepts federal funds, we must abide by federal law. Alleged violations of published drug and alcohol policies will be resolved using procedures outlined in the [Guide to Conduct and Citizenship for Students](#), [Housing & Residential Life Community Standards](#) or [Employee Handbook](#).

B. Sanctions

Sanctions will be imposed on an employee who violates NMT drug and alcohol policy. These sanctions may include termination, demotion or suspension, and the employee may be required to report to the Employee Assistance Program (EAP) for a clinical assessment and participate in a recommended rehabilitation program. Sanctions will be imposed on a student who violates NMT drug and alcohol policy. These sanctions may include up to suspension or expulsion and may also include Drug and Alcohol training, and/or community service, as well as include a rehabilitation program.

C. Health Risks

All persons should be aware of the health risks caused by the use of alcohol, and by the illegal use of controlled substances (drugs).

- Consumption of more than two average servings of alcohol in several hours can impair coordination and reasoning to make driving unsafe.
- Consumption of alcohol by a pregnant woman can damage the unborn child. A pregnant woman should consult her physician about this risk.
- Regular and heavy alcohol consumption can cause serious damage to liver, nervous and circulatory system, mental disorders and other health problems.
- Drinking large amounts of alcohol in a short time may quickly produce unconsciousness, coma, and even death.

Use of controlled substances (drugs) can result in damage to health and impairment of physical condition, including:

- Impaired short term memory or comprehension
- Anxiety, delusions, hallucinations
- Loss of appetite resulting in a general damage to the user's health, over a long term

UNIVERSITY POLICY ON ALCOHOL AND DRUGS

Drug and Alcohol Free Campus

Last Revised: Dec. 15, 2023

- A drug-dependent newborn if the mother is a drug user during pregnancy. Pregnant women who use alcohol, drugs, or who smoke should consult their physicians
- AIDS, as a result of "needle-sharing" among drug users
- Death from overdose

The health risks associated with drugs or excessive use of alcohol are many and are different for different drugs, but all nonprescription use of drugs and excessive use of alcohol endanger your health. There are no good reasons for using a drug not prescribed by your doctor or drinking to excess.

D. Medical Amnesty

Medical amnesty shall mean that a student is not subject to Student Code of Conduct disciplinary sanctions for unauthorized possession and consumption of drugs and alcohol if the student contacts a 911 operator to report that the student or another student is in need of medical assistance for an immediate health or safety concern. To be eligible for medical amnesty, the student who initiates contact must be the first person to make such a report, must provide a name and contact information, must remain on the scene until assistance arrives, and must cooperate with the authorities at the scene. The student who receives medical assistance and up to two students acting in concert with the student initiating contact with a 911 operator may also be immune from disciplinary sanctions as stated above. Campus law enforcement supports the efforts to seek emergency medical assistance and will many times overlook the age of the reporter and the individual needing the assistance. [New Mexico Controlled Substance Act](#) (911 Good Samaritan [Stat. Ann. § 30-31-27.1 (2007) Effective Date: June 15, 2007]) also states "a person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose or a person who experiences a drug-related overdose and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance... if the evidence for the charge of possession of a controlled substance was gained as a result of the seeking of medical assistance." However, students should understand that any violation of state or federal criminal law involving the use or possession of drugs or alcohol may result in prosecution, and New Mexico Tech cannot grant amnesty from proceedings in the criminal justice system.

E. Resources

For Employees

Employee Assistance Program (EAP)
www.corporatehealthresources.com
(800)348-3232

For Students

New Mexico Tech Office of Counseling Services
www.nmt.edu/cds/
575-835-6619

UNIVERSITY POLICY ON ALCOHOL AND DRUGS

Drug and Alcohol Free Campus

Last Revised: Dec. 15, 2023

New Mexico Tech Student Health Center
<https://www.nmt.edu/studenthealth/>
575-835-6619

For All

Socorro Mental Health
www.pmsnm.org/locations/socorro-mental-health
575-835-2444

Alcoholics Anonymous National
www.aa.org/

Alcoholics Anonymous New Mexico
nm-aa.org/

SAMHSA Substance Abuse Treatment
1-877-726-4727

Socorro General Hospital Emergency Department
1-575- 835-1140

Socorro General Medical Group
1-575-835-4690

Presbyterian Medical Services
1-575-835- 4444

Revision Dates:

Amended 9-15-2023

Amended 12-15-2023 (only hypertext updates)

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)
Primary Crimes*	<p>Murder/ Non-Negligent Manslaughter*</p> <p>The willful killing of one human being by another (Count one offense per victim). Any death caused by injuries received in a: 1.) fight, 2.) argument, 3.) quarrel, 4.) assault 5.) commission of a crime. Do not count: 1.) Suicides, 2.) fetal deaths, 3.) traffic fatalities, 4.) accidental deaths, 5.) attempted murder, 6.) justifiable homicide</p>
Primary Crimes*	<p>30-2-1 Murder</p> <p>Murder in the first degree is the killing of one human being by another without lawful justification or excuse, by any of the means with which death may be caused: 1.) by any kind of willful, deliberate and premeditated killing; 2.) in the commission of or attempt to commit any felony; or 3.) by any act greatly dangerous to the lives of others, indicating a depraved mind regardless of human life. Unless he is acting upon sufficient provocation, upon a sudden quarrel or in the heat of passion, a person who kills another human being without lawful justification or excuse commits murder in the second degree if in performing the acts which cause the death he knows that such acts create a strong probability of death or great bodily harm to that individual or another.</p>
Primary Crimes*	<p>Manslaughter</p> <p>Manslaughter is the unlawful killing of a human being without malice. Voluntary manslaughter consists of manslaughter committed upon a sudden quarrel or in the heat of passion.</p>
Primary Crimes*	<p>Manslaughter by Negligence</p> <p>Killing of another person through gross negligence (Count one offense per victim). Count any death caused by gross negligence of another. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another. Do not count deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence and traffic fatalities.</p>
Primary Crimes*	<p>30-2-3.B Manslaughter</p> <p>Manslaughter is the unlawful killing of a human being without malice. Involuntary manslaughter consists of manslaughter committed in the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death in an unlawful manner or without due caution and circumspection.</p>
Primary Crimes*	<p>Rape * **</p> <p>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. This definition included any gender of victim or perpetrator. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol). Physical resistance is not required on the part of the victim to demonstrate lack of consent.</p>

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)
Primary Crimes*	30-9-11 Criminal Sexual Penetration Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another; whether or not there is any emission.
	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 temporary or permanent mental or physical incapacity.
	Criminal Sexual Contact touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one's intimate parts.
	30-9-13 Criminal Sexual Contact of a Minor Criminal sexual contact of a minor is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one's intimate parts. For this purposes of this section, "intimate parts" means primary genital area, groin, buttocks, anus or breast.
	Incest * ** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. If force or threat of force exists then this will be counted as Rape
	30-10-3. Incest Incest consists of knowingly and intentionally intermarrying or having sexual intercourse with persons within the following degrees of consanguinity: parents and children including grandparents and grandchildren of every degree, brothers and sisters of the half as well as of whole blood, uncles and nieces, aunts and nephews.
	Statutory Rape * ** Sexual intercourse with a person who is under the statutory age of consent. If force or threat of force exists then this will be counted as Rape. Count only victims that fit the state's statutory age limit.
	30-9-11.G Criminal Sexual Penetration penetration: 1.) not defined in Subsection D through F of the statute 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.

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)	
Primary Crimes*	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.
	30-16-2 Robbery	Robbery consists of the theft of anything of value from the person of another or from the immediate control of another, by use or threatened use of force or violence.
	Assault *	of inflicting severe or aggravated bodily injury. Factors to consider: 1.) type of weapon employed or use of an object as a weapon, 2.) seriousness of the injury, 3.) intent to cause serious injury. Count one offense per victim.
	30-3-2 Aggravated Assault	Aggravated assault consists of either: 1.) unlawfully assaulting or striking at another with a deadly weapon; 2.) committing assault by threatening or menacing another while wearing a mask, hood, robe or other covering upon the face, head or body, or while disguised in any manner, so as to conceal identity; or 3.) willfully and intentionally assaulting another with intent to commit any felony.
	Assault With Intent To Commit A Violent Felony	Assault with intent to commit a violent felony consists of any person assaulting another with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second or third degree, robbery or burglary.
	30-3-5 Aggravated Battery	Aggravated battery consists of unlawful touching or application of force to the person of another with intent to injure that person or another.
	Burglary *	The unlawful entry of a structure to commit a felony or a theft. Elements include: 1.) forcible entry, 2.) unlawful entry – no force or 3.) attempted forcible entry.
	30-16-3 Burglary	Burglary consists of the unauthorized entry of any dwelling or other structure, movable or immovable, with intent to commit a felony or theft therein
	30-16-4 Aggravated Burglary	Aggravated burglary consists of the unauthorized entry of any dwelling or other structure, movable or immovable, with intent to commit any felony or theft therein and the person either: 1.) is armed with a deadly weapon; 2.) after entering, arms himself with a deadly weapon; or 3.) commits a battery upon any person while in such place, or in entering or leaving such place.
	Motor Vehicle Theft *	The theft or attempted theft of a motor vehicle. Count one offense for each stolen vehicle.

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)	
PRIMARY CRIMES*	30-16D-1 Unlawful Taking of a Vehicle or Motor Vehicle	Unlawful taking of a motor vehicle or motor vehicle consists of a person taking any vehicle or motor vehicle as defined by the Motor Vehicle Code [66-1-1 NMSA 1978] intentionally and without consent of the owner.
	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 or personal property of another.
	30-17-5 Arson and Negligent Arson	Arson consists of a person maliciously or willfully starting a fire or causing an explosion with the purpose of destroying or damaging: 1.) a building, occupied structure or property of another person; 2.) a bridge, utility line, fence or sign; or 3.) any property, whether the person's own property or the property of another person, to collect insurance for the loss.
	30-17-6 Aggravated Arson	Aggravated arson consists of the willful or malicious damaging by any explosive substance or the willful or malicious setting fire to any bridge, aircraft, watercraft, vehicle, pipeline, utility line, communication line or structure, causing a person great bodily harm
VAWA OFFENSES	Domestic Violence	A felony or misdemeanor crime of violence committed by: 1.) a current or former spouse or intimate partner of the victim, 2.) by a person with who the victim shares a child in common, 3.) by a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner, 4.) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or 5.) 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.
	30-3-15 Battery Upon A Household Member	Battery upon a household member consists of the unlawful, intentional touching or application of force to the person of a household member, when done in a rude, insolent or angry manner.
	30-3-16 Aggravated Batter Upon A Household Member	Aggravated battery upon a household member consists of the unlawful touching or application of force to the person of a household member with intent to injure that person or another.

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)
VAWA OFFENSES	<p>Dating Violence</p> <p>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.</p>
	<p>Stalking</p> <p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1.) fear for the person’s safety or the safety of others; or 2.) suffer substantial emotional distress.</p>
	<p>30-3A-3 Stalking</p> <p>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 individuals.</p>
HATE CRIMES	<p>Larceny-Theft</p> <p>The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.</p>
	<p>30-16-1 Larceny</p> <p>Larceny consist of the stealing of anything of value that belongs to another.</p>
	<p>30-16-3.B Auto Burglary</p> <p>Any person who, without authorization, enters any vehicle, watercraft, aircraft, or other structure, movable or immovable, with intent to commit any felony or theft therein is guilty of a fourth degree felony.</p>
	<p>Simple Assault</p> <p>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.</p>
	<p>30-3-4 Battery</p> <p>Battery is the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner.</p>
	<p>30-3-5.B Aggravated Battery</p> <p>Aggravated battery consist of the unlawful touching or application of force to the person of another with intent to injure that person or another and did so by inflicting an injury to the person which is not likely to cause death or great bodily harm, but does cause temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body.</p>
	<p>Intimidation</p> <p>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.</p>

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)
HATE CRIMES	<p>30-3-1 Assault</p> <p>Attempt to commit a battery upon the person of another; or any unlawful act, threat or menacing conduct which causes another person to reasonable believe that they are in danger of receiving an immediate battery; or the use of insulting language toward another impugning their honor delicacy or reputation.</p>
	<p>30-24-3.B Intimidation of a Witness</p> <p>Consists of any person knowingly engaging in conduct that causes bodily injury to another person or damage to the tangible property of another person, or threatening to do so, with the intent to retaliate against any person for any information relating to the commission or possible commission of a felony offense or a violation of conditions of probation, parole or release pending judicial proceedings.</p>
	<p>Destruction, Damage or Vandalism of Property</p> <p>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.</p>
	<p>30-15-1 Criminal Damage to Property</p> <p>Criminal damage to property consists of intentionally damaging any real or personal property of another without the consent of the owner of the property.</p>
	<p>30-15-1.1 Unauthorized Graffiti</p> <p>Consists of intentionally and maliciously defacing any real or personal property of another with graffiti or other inscribed material with ink, paint, spray paint, crayon, charcoal, or the use of any object without the consent or reasonable ground to believe there is consent of the owner of the property.</p>
ARRESTS AND REFERRALS	<p>Weapon Law Violations</p> <p>Violation of state laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.</p>
	<p>30-7-2 Unlawful Carrying of a Deadly Weapon</p> <p>Unlawfully carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon anywhere.</p>
	<p>30-7-2.2 Unlawful Possession of a Handgun</p> <p>Consists of a person knowingly having a handgun in his possession or knowingly transporting a handgun absent of established statutory exceptions.</p>
	<p>30-7-2.4 Unlawful Carrying of a Firearm on University Premises</p> <p>Consists of carrying a firearm on university premises absent of established statutory exceptions.</p>

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)
ARRESTS AND REFERRALS	<p>30-7-4 Negligent Use of a Deadly Weapon</p> <p>Negligent use of a deadly weapon consists of discharging a firearm into any building or vehicle or so as to knowingly endanger a person or his property.</p>
	<p>30-7-8 Unlawful Possession of Switchblades</p> <p>Unlawful possession of switchblades consists of any person, either manufacturing, causing to be manufactured, possessing, displaying, offering, selling, lending, giving away or purchasing and knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade which opens or falls or is ejected into position by the force of gravity or by any outward or centrifugal thrust or movement.</p>
	<p>Drug Law Violations</p> <p>Violations of state laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.</p>
	<p>30-31-23 Controlled Substances</p> <p>It is unlawful for a person intentionally to possess a controlled substance unless the substance was obtained pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice or except as otherwise authorized by the Controlled Substances Act.</p>
	<p>30-31-25.1 Possession, Delivery or Manufacture of Drug Paraphernalia Prohibited</p> <p>It is unlawful for a person to use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act.</p>
	<p>30-31-20 Trafficking Controlled Substances</p> <p>It is unlawful for a person to manufacture, distribute, sale, barter, give away or traffic a controlled substance in violation of the Controlled Substances Act.</p>
	<p>Liquor Law Violations</p> <p>Violations of state laws prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages.</p>
	<p>60-7B-1.C Minor in Possession of Alcohol</p> <p>It is a violation of the Liquor Control Act for a minor to buy, attempt to buy, receive, possess or permit the minor's self to be served with alcoholic beverages.</p>

GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)
ARRESTS AND REFERRALS	<p>60-7B-7 Presenting False Evidence of Age or Identity</p> <p>A minor who presents to any person license pursuant to the provisions of the Liquor Control Act [60-3A-1 NMSA 1978] or any employee, agent or lessee of that person any written, printed or photostatic evidence of age or identity that is false, for the purpose of procuring or attempting to procure any alcoholic beverages.</p>
<p>60-7B-1.A Selling, Serving or Giving Alcohol to Minors</p>	<p>It is a violation of the Liquor Control Act for a person, including a person licensed pursuant to the provisions of the Liquor Control Act, or an employee agent or lessee of that person, if the person knows or has reason to know that the person is violating the provisions of this section, to: 1.) sell, serve or give alcoholic beverages to a minor or permit a minor to consume alcoholic beverages on the licensed premises; 2.) by alcoholic beverages for or procure the sale or service of alcoholic beverages to a minor; 3.) deliver alcoholic beverages to a minor; or 4.) aid or assist a minor to by, procure or be served with alcoholic beverages.</p>

* Clery Act Primary Crimes can also fall under the category of Hate Crimes when the criminal offense manifests evidence that the victim was intentionally selected because of the perpetrator bias against the victim. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, [national origin], gender, or gender identity.

** Clery Act Primary Crimes that also fall under the category of Violence Against Women Act (VAWA) offenses.

Important Note: The list of New Mexico state statutes which follow the Clery Act crime definitions on this chart are not an all-inclusive list of criminal violations which could meet the Clery Act crime definitions. This list was provided for educational purposes and to assist Campus Security Authorities with evaluating reports and information they receive. The state statutes listed are some of the more common offenses associated with these definitions.

New Mexico Tech Campus Crime Statistics

Offense		Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Unfounded Cases
CLERY ACT PRIMARY CRIMES	Murder/ Non-Negligent Manslaughter	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Negligent Manslaughter	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Rape	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	1	1	0	0	0
	Fondling	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Incest	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Statutory Rape	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Robbery	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	3	0	0	0	1	
Burglary	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	1	0	0	0	0	
Motor Vehicle Theft	2023	0	0	0	0	0	
	2022	4	0	0	0	0	
	2021	3	0	0	0	1	
Arson	2023	0	0	0	0	0	
	2022	1	0	0	0	0	
	2021	0	0	0	0	0	
VAWA OFFENSES	Domestic Violence	2023	1	1	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
Dating Violence	2023	1	1	0	0	0	
	2022	2	0	0	0	0	
	2021	1	1	0	0	0	
Stalking	2023	2	0	0	0	0	
	2022	2	2	0	0	0	
	2021	0	0	0	0	0	

New Mexico Tech Campus Crime Statistics

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Unfounded Cases	
CRIMES MOTIVATED BY HATE	Murder/ Non-Negligent Manslaughter	2023	0	0	0	0	
		2022	0	0	0	0	
		2021	0	0	0	0	
	Negligent Manslaughter	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Rape	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Fondling	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Incest	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Statutory Rape	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Robbery	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Aggravated Assault	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Burglary	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	0	0	0	0	0	
Arson	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	0	0	0	0	0	
Simple Assault	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	0	0	0	0	0	
Larceny-Theft	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	0	0	0	0	0	
Intimidation	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	0	0	0	0	0	
Destruction/ Damage/ Vandalism of Property	2023	0	0	0	0	0	
	2022	0	0	0	0	0	
	2021	0	0	0	0	0	

New Mexico Tech Campus Crime Statistics

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Unfounded Cases
ARRESTS	Liquor Law Violations	2023	0	0	0	0
		2022	2	0	0	0
		2021	0	0	0	0
	Drug Violations	2023	0	0	0	0
		2022	0	0	0	0
		2021	0	0	0	0
	Weapons Violations	2023	0	0	0	0
		2022	0	0	0	0
		2021	0	0	0	0
NON-ARREST CAMPUS REFERRALS	Liquor Law Violations	2023	0	0	0	0
		2022	0	0	0	0
		2021	7	6	0	0
	Drug Violations	2023	0	0	0	0
		2022	0	0	0	0
		2021	7	2	0	0
	Weapons Violations	2023	0	0	0	0
		2022	0	0	0	0
		2021	0	0	0	0

Fire Systems Located In Residential Facilities

Facility Name	Fire Alarm	Room Detection	Pull Stations	Connected to Operations Center	Sprinkler	Fire Extinguisher	Fire Rated Doors	Fire Drills Conducted
Altamirano	Y	Y	Y	Y	N	Y	Y	3
Desert Willow	Y	Y	Y	Y	N	Y	Y	3
Baca	Y	Y	Y	Y	N	Y	Y	3
South	Y	Y	Y	Y	N	Y	Y	3
West	Y	Y	Y	Y	N	Y	Y	1
Presidents	Y	Y	Y	Y	N	Y	Y	3
Driscoll	Y	Y	Y	Y	N	Y	Y	3
Torres	Y	Y	Y	Y	Y	Y	Y	3
Mountain Springs	Y	Y	Y	Y	N	Y	Y	3

Fire Statistics Related to Residential Facilities

Facility Name	Year	Fires	Injuries	Deaths
Altamirano	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Baca	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Desert Willow Apartments	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
South	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
West	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Presidents	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Driscoll	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Torres	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Mountain Springs Apartments	2023	0	0	0
	2022	0	0	0
	2021	0	0	0