



Annual Report Regarding Institutional Response to Reports of Sexual and Gender-Based Misconduct

July 1, 2023 - June 30, 2024

A Note from the Title IX Coordinator

Members of the New Mexico Tech Community:

Preventing, addressing and mitigating the harmful effects of sexual and gender-based misconduct at New Mexico Tech is a community effort. It starts with building awareness and educating, providing resources and support, and taking action to remedy the effects and prevent future occurrences.

I continue to believe that every single member of our campus community has a role to play in this effort. It is critical that we work together to ensure that our community members have the opportunity to make informed decisions and Tech has the ability to take action to prevent, stop, and remedy misconduct. This requires that access to accurate, complete information about policies, procedures, community expectations, resolution options, and supportive resources is abundantly available and unobstructed.

To that end, it is my hope that this report is useful in building a broad understanding of how Tech responds to concerns of sexual and gender-based misconduct, including the numbers and types of reports the Title IX Office (TIXO) receives; how those concerns are addressed; and why. The report also addresses some aspects of the NMT Sexual Misconduct Policy that are most commonly asked about and most useful for community members to understand. At the same time, it remains critical that TIXO appropriately protect the privacy of the individuals who have interacted with TIXO, whether as reporter, Complainant, Respondent, witness, or any other way. Accordingly, the information contained in this report is shared via aggregate, de-identified data. This is intentional and consistent with TIXO's commitment not to compromise individual's privacy even as we remain committed to transparency.

Sincerely,



Peter Phaiah. Ph.D.
Assoc. V. P. for Student Affairs & Title IX Coordinator
titleixcoordinator@nmt.edu or 575-835-5953

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Executive Summary

Pursuant to the [NMT Sexual Misconduct Policy](#) ("Policy") and [Title IX Resolution Procedures](#), the Title IX Office (TIXO) will create an annual report detailing actions taken by the University to address issues reported under the Policy. This inaugural report reflects actions taken under the Policy in response to reports received by the TIXO between July 1, 2023 and June 30, 2024 (AY'24).

During this time period, the TIXO received nine (9) reports of possible sexual misconduct.

The TIXO reviews each report to identify appropriate next steps. In many instances, there is limited information provided to the TIXO, for example, one or both of the parties may not be identified or the specific allegations may be unclear. TIXO follows up as possible to try to learn more information. In some instances, the TIXO is able to get more details and take additional actions.

In others, the information may never be shared with the TIXO, limiting further steps available to address the specific matter. The more information that the TIXO has about a matter, the more actions can be taken to respond effectively. This past Academic Year (i.e., AY'24):

- There were three (3) reports that alleged prohibited conduct of employees (3 staff and 0 faculty). In AY'23, there were 0 staff and 0 faculty reports.
- Six (6) reports involved the alleged conduct of a student. In AY'23, there were four (4) reported allegations.
- Zero (0) reports involved alleged conduct by individuals who are not faculty, staff, or students at the New Mexico Tech. There were also zero related reports in AY'23.

Some reported concerns do not involve allegations of misconduct by a particular individual; rather, they may indicate an overall climate of inappropriate sexual or gender-based comments or other concerns in a particular unit, or concerns about a University policy or practice that is broader than the actions or decisions by an individual(s). This past year, seven (7) other reports were made about concerning behaviors or attitudes. None of these concerns or allegations were considered to fall under our Sexual Misconduct Policy so general coaching on how to resolve their concern or how to handle future similar incidents. These efforts may also be a consultation, review, referral, or other response.

The TIXO responded to each report it received. In all instances where it was possible to do so (i.e., the Complainant's identity was shared with TIXO), TIXO provided the Complainant with information about how to file a formal complaint, how to report to law enforcement, the availability of supportive measures, and additional resources the University offers. A Complainant may request an investigative or adaptable resolution by filing a formal complaint, and supportive measures and other resources are available regardless of whether they want a formal resolution process. In some instances, where the Complainant does not file a Formal Complaint, the University nonetheless needs to take further action to address the concerns (e.g., where a faculty or staff member are alleged to have engaged in misconduct).

In each matter in which a formal resolution process (investigation or adaptable resolution) did not occur, one or more of the following was true:

- The Complainant's identity was unknown;
- The Respondent's identity was unknown;
- The Respondent was not affiliated with the University;
- The alleged conduct did not constitute a potential violation of the Policy and was therefore more appropriately addressed in another manner (e.g., through education);
- The Complainant requested the TIXO not to open an investigation or adaptable resolution, and indicated they would not participate in a hearing where a hearing is required by law;
- The Complainant did not respond to the TIXO or requested the TIXO not to open an investigation or adaptable resolution and there was insufficient information for the TIXO to conduct a thorough investigation;
- The Complainant requested the TIXO not to open an investigation or adaptable resolution, the Respondent was not an employee, there were no other reports of misconduct involving the Respondent, and there were no compelling individual or safety community concerns overriding the Complainant's request.

Below is a table for the **Annual Report for Academic Year 2023-2024 (AY'2024)**:

Allegation	Reports/Complaints	Complainant Wanted No Action	Supportive Measures Only	Referred Out to Another Office	Formal Complaint		Formal Investigations		Informal Resolution Process		Formal Hearings			Case Closed or Dismissed by Title IX Coordinator	
					Title IX	Sexual Misconduct	Title IX	Sexual Misconduct	Title IX	Sexual Misconduct	Responsible		Not Responsible		
											Title IX	Sexual Misconduct	Title IX		Sexual Misconduct
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex and Gender-based Discrimination	7 (3)	2	1	4 (3)	3	0	3	0	0	0	0	0	0	0	3
Stalking	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimate Partner Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Violation of Supportive Measures	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retaliation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Red Text=Employee # of total (i.e., Staff on Staff)

The remaining matters were addressed through a variety of steps taken to stop misconduct, prevent future misconduct, and remedy the effects of misconduct on all who may have experienced or been impacted by it. These steps included supportive measures, contact restrictions, and individual or group educational efforts.

Title IX Office

What is the TIXO?

The Title IX Office or the TIXO, is an office where Tech students, staff, faculty, and third parties can go if they have concerns about sexual misconduct and sex discrimination, including sexual-based harassment. Applicants and visitors can also seek assistance from the TIXO with respect to sex discrimination and sexual misconduct concerns.

In particular, the TIXO aims to increase and coordinate prevention efforts and to provide more robust, timely, and supportive communications with any member of the campus community who may interact with the TIXO.

In addition, we work collaboratively with research units to ensure they operate in compliance with their partnering agency's related regulations. The TIXO, and support those units that bring minors on campus.

The Policy

What Is the NMT Sexual Misconduct Policy?

The [NMT Sexual Misconduct Policy](#) ("the Policy"):

- Provides information about how to report concerns
- Designates Confidential Reporters/Resources and Mandatory Reporters who are designates with reporting obligations.
- Is accompanied by [Title IX Resolution Procedures](#) (i.e., Grievance Procedures) and NMT Sexual Misconduct Resolution Procedures (i.e., Non-Title IX Grievance Procedures) that identify and explain the processes by which concerns of Prohibited Conduct are addressed Prohibits various forms of sexual and gender- based misconduct (collectively, Prohibited Conduct)
 - Sexual Assault
 - Sexual Exploitation
 - Sexual Harassment
 - Gender-Based Harassment
 - Sex and/or Gender-Based Stalking

- Intimate Partner Violence
- Sex and Gender-Based Discrimination Retaliation
- Violation of Supportive Measures
- Title IX Misconduct

Why Does the University Have This Policy?

New Mexico Tech has had policies prohibiting sex discrimination and sexual misconduct for decades, for a variety of reasons. The Policy:

- Is one part of building and maintaining a safe and equitable environment for all of its community members (including applicants, visitors, and patients);
 - Identifies institutional values and conduct expectations;
 - Is a mechanism to hold community members accountable when unacceptable behavior occurs; and
 - Is required by various federal and state laws;
- For example, Title IX is a federal civil rights and education law that prohibits sex discrimination in educational institutions receiving federal funds;
 - Title VII of the Civil Rights Act, the Violence Against Women Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), also include requirements for how the University addresses sexual discrimination and sexual misconduct.

Reporting Concerns

How Can Someone Report Concerns?

Concerns regarding possible sexual discrimination and sexual misconduct are reported to the Title IX Coordinator and TIXO:



- Online form: [Title IX & Sexual Misconduct Reporting Form](#)
- Email: titleixcoordinator@nmt.edu
- Phone: (575) 835-5953 or 575-333-0001
- In person: 238 Fidel Student Center

Who Can Report Concerns?

Anyone can report, including:

- A person who believes they may have experienced Prohibited Conduct (Complainant);
- A University Mandatory Reporter;
- A person who has information about possible Prohibited Conduct, even if they are not directly involved.

The University encourages reporting of information regarding concerns of Prohibited Conduct, and encourages reporting as soon as possible.

Reporting Requirements

Who is Required to Report Concerns?

While everyone is encouraged to report, many members of the University community are required to report concerns of Prohibited Conduct to TIXO. These are called Mandatory Reporters, and the roles that carry this reporting obligation are outlined in the Policy.

All University employees are required to complete [New Employee Sexual Misconduct & Title IX Awareness Training](#) and [Employee Annual Sexual Misconduct Awareness & Mandatory Reporter Training](#) offered each August and September in order to:

- Determine whether they are a Mandatory Reporter;
- Learn what conduct is Prohibited under the Policy;
- Understand how to respond appropriately, whether or not they have reporting obligations;
- Consider reasons to report even if not obligated to do so; and
- Identify how to report concerns.

These trainings are offered in-person (i.e., live) or they are available through our online training modules.

Also, some classifications of student workers (e.g., Resident Advisors, Teaching Assistants) are considered Mandatory Reporters and they too must complete the [Employee Annual Sexual Misconduct Awareness & Mandatory Reporter Training](#).

In addition, those employees at Tech who serve in supportive roles in the TIXO are required to receive annual training:

- Title IX Coordinator and Deputy Title IX Coordinator
- Investigators
- Adjudicators & Appellant Officers
- Informal Resolution Facilitators

Academic departments and non-academic units may also receive live training on a regular or ad hoc basis as coordinated by the TIXO and by the applicable unit.

To request live training regarding reporting of Prohibited Conduct, please contact the TIXO:

- Email: titleixcoordinator@nmt.edu
- Phone: (575) 835-5953 or (575) 322-0001
- In person: 238 Fidel Student Center

Reporting Crimes

Does the University Report Sexual and Gender-Based Crimes to the Police?

Yes. When the TIXO receives information about a possible crime, in addition to taking other steps related to the Policy:

- The TIXO submits information to the New Mexico Tech Police Department (NMTPD or Campus Police) as needed
- NMTPD can then:
 - Assess the information for possible action;
 - Reach out to impacted individuals to let them know about options they may have through NMTPD; and
 - Share information with the appropriate agency if a crime is alleged to have occurred off campus.
- This does not automatically result in the opening of a criminal investigation.
- This also does not preclude responsive action by the University under the Policy.

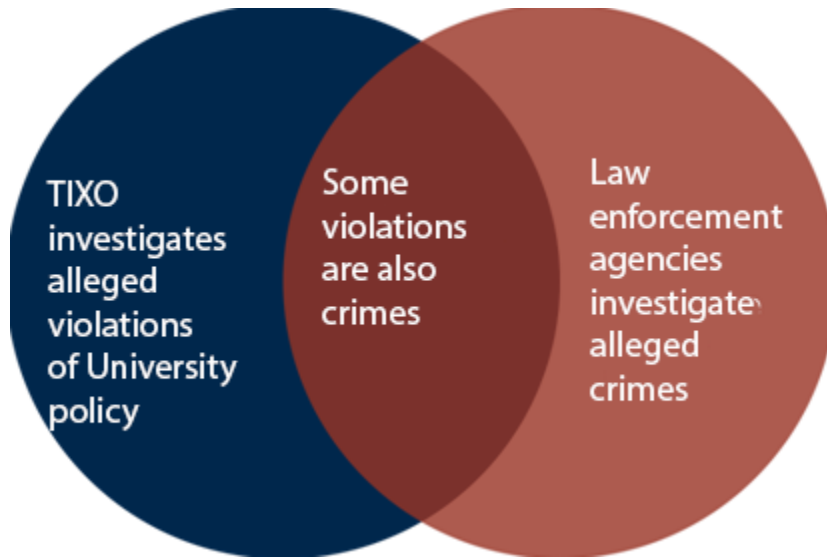
Individuals who believe they have experienced Prohibited Conduct that may also be a crime may choose to report to the TIXO, law enforcement, neither, or both.

Many others on campus also have obligations under the Clery Act to notify Campus Police of information they learn about certain alleged crimes, for purposes of assessing timely warnings to the community as well as annual statistical reporting. For more information about who is a Campus Security Authority (CSA), please contact the Clery Compliance Coordinator.

Investigating Criminal Conduct

Does the University Investigate Crimes?

- The TIXO investigates and otherwise responds to allegations of a violation(s) of University policy.
- Law enforcement agencies investigate allegations of criminal conduct.
- Some behaviors fall under both this Policy and criminal statutes, so they may be addressed by the TIXO as possible violations of the Policy and by a law enforcement agency as possible crimes.
- A University response to a report under the Policy does not mean the same concern cannot also be investigated as a crime.
- This is consistent with other conduct that may be both a crime and a violation of University policy (e.g., if a student stole another student's property or punched, stabbed, or otherwise physically assaulted another student outside of an intimate partner relationship, that would be a crime as well as a violation of the [Guide to Conduct and Citizenship for Students](#) (i.e., Student Code of Conduct) and both law enforcement and the University would be expected to appropriately address an allegation of such behavior).
- Federal law, including Title IX, specifically prohibits the University from simply reporting a matter to law enforcement and relying upon the outcome of a criminal investigation, rather than taking its own steps to assess and respond to the concerns under the Policy.



The following table shows whether the University, through the TIXO, law enforcement, or both may have an appropriate role to play in responding to various types of alleged behaviors.

Behavior	TIXO	Law Enforcement	Both
May violate the policy and criminal statute(s) Example: Sexual Assault	Yes	Yes	Yes
May violate the Policy; does not violate criminal statute(s) Example: Unwelcome, sexualized comments creating a hostile environment	Yes	No	No
May violate criminal statute, but not this Policy Example: personal tax fraud	No	Yes	No

The Policy and the Clery Act

Why Do the Numbers in This Report Differ From the University's Annual Security Report?

The University's [Annual Security Report and Annual Fire Safety Report](#) is a specific report required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). In accordance with the Clery Act, the Annual Security Report contains the numbers of certain types of reported crimes, as defined by the FBI Uniform Crime Reporting (UCR) Program, which were reported to have occurred in particular geographic locations during a calendar year.

Many of the incidents referenced in this report, while falling under the Tech's Sexual Misconduct Policy, do not fall within the Clery Act statistical definitions, resulting in a disparity between the data reported in this report and the Annual Security Report. Further, the numbers will differ because the data contained in the reports respectively encompass different time periods (i.e., this report encompasses the 2024 academic year while this year's 2024 Annual Security Report reflects the 2023 calendar year and previous two calendar years).

Report	Time Period	Conduct Reported	Geography
Annual Security Report	January 1, 2023- December 31, 2023	Reports to NMTPD of certain crimes	Specific locations on campus or within University's control
Annual Report Regarding Institutional Responses to Reports of Sexual and Gender-Based Misconduct	July 1, 2023 - June 30, 2024	Reports to the TIXO of possible Sexual and Gender-Based Misconduct	Any location, on or off campus

Reports & Responses This Year

Why is Some Sexual Misconduct Also Specifically Identified as Title IX Misconduct?

Title IX Misconduct is differentiated from other Sexual Misconduct more by the circumstances of the alleged incident and the existence of a Formal Complaint, rather than representing substantively different types of behaviors. To the contrary, behavior falling under Title IX Misconduct generally also falls under another Prohibited Conduct definition. Title IX Misconduct allegations are essentially allegations of another form of Prohibited Conduct when the following circumstances are also met:

- Occurs in the United States;
- Occurs in a University Program or Activity;
- A Formal Complaint is filed;
- Fits certain definitions as outlined in the Policy, which generally would also constitute another form of Sexual Misconduct.



Prohibited Behavior

Reports of conduct that meet these criteria are called Title IX Misconduct because they reflect the definition of sex discrimination or sex-base harassment set forth in the federal Title IX regulations as amended in 2020. The Title IX regulations define sexual harassment more narrowly than the University's Policy, and some other civil rights laws.

- Accordingly, the federal regulations set the "floor" for what the University is required to prohibit, but the University is permitted to take more action to address sexual misconduct than Title IX requires.
- UM chooses to address forms of sexual misconduct that are reported to occur within the University community but may not meet the narrow Title IX regulations that would require the University to do so. The regulations require the University to make a determination as to whether allegations contained within a Formal Complaint meet the Title IX definition of sexual harassment.
- The regulations require certain prescriptive procedures (including a live hearing) to address allegations that fall within the Title IX definition of sexual harassment.
- If the alleged conduct does not meet the Title IX Misconduct criteria, the regulations require the Title IX Coordinator to dismiss, for Title IX purposes, a Formal Complaint of alleged conduct that falls outside of the narrow Title IX definition of sexual harassment.
- If the conduct still falls within the University's Policy, the University will still address the behavior in accordance with the applicable procedures.

Two of the reports in AY'24, involved allegations that also fell within Title IX Misconduct. Title IX Misconduct involves specific definitions designated within the federal Title IX Regulations, reportedly occurring under certain circumstances. Even though reports were made the Complainant did not want to file a Formal Complaint through the TIXO and sought an alternative action to resolve the matter.

What Happens When a Concern Is Reported?

When a matter is reported, the TIXO conducts an initial assessment and outreach. The initial assessment includes:

- Assessing the nature of the allegations and party affiliation (if known from the report) to identify possible resolution options; and
- Assess and make any necessary reports to NMTPD or other appropriate agencies.

Depending on the amount of information available in the report, initial outreach typically includes:

- Reporter
 - To confirm receipt of the report and seek additional information as necessary;
- Complainant
 - To provide information about supportive measures and resources;
 - To notify Complainant of options they have, such as seeking medical treatment, reporting to law enforcement, filing a Formal Complaint with the TIXO, etc.;
 - To notify the Complainant that Retaliation is prohibited;
 - To provide the Complainant with the Policy, Procedures, and other informational documents;
 - To request to meet with the Complainant to answer questions and learn more about the matter.

INITIAL ASSESSMENT

TIXO considers immediate safety issues, submits information to NMTPD if a report contains information about a possible crime, and begins to consider possible next steps.



OUTREACH

TIXO contacts the Complainant if known, to provide information about resources, and supportive measures and to offer a meeting to explore resolution options.

RESOURCES AND SUPPORT

Regardless of whether a Complainant files a formal Complaint or participates in a resolution process, there are many people and resources on campus that can provide support and assistance. TIXO can connect the Complainant with resources and assist with supportive measures.



RESOLUTION OPTIONS

There are a variety of formal and informal resolution options that may be appropriate. TIXO explains the processes the Title IX Coordinator determined the appropriate action, with strong consideration given to the Complainant's wishes.

Modes of Addressing Reports

The University responded to all of the reports it received. A critical part of the TIXO's response to each report is providing involved individuals (i.e., the Parties) with information about resources, supportive measures, and resolution options. All Parties are provided with a brochure called "**Rights of the Parties Related to Title IX, NMT Sexual Misconduct Policy, and Retaliation Cases**" and the Title IX Coordinator's business card during their initial meeting. Parties are also informed that a more comprehensive explanation of the Parties' rights can be found on the [NMT Title IX Office website](#) under [Complainant's Rights Related to Title IX, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, NMT Sexual Misconduct Policy, and Retaliation Cases](#) or [Respondent's Rights Related to Title IX, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, NMT Sexual Misconduct Policy, and Retaliation Cases](#).

In addition to supportive measures and resources, one or more of the following University resolution processes occurs in response to each report:

- Investigation;
 - Investigative Resolution under Student Procedures;
 - Sexual and Gender-Based Misconduct Process under Employee Procedures;
 - Title IX Misconduct Process under Employee Procedures;
- Adaptable Resolution;
- Mediation (Employee Procedures only);
- Pre-Investigation Review; and/or Consultation/Referral/Other Remedies.

Which of the above actions are taken depends on factors such as:

- Whether the parties' identities are known;
- The nature of the Respondent's affiliation (if any) with the University;
 - Whether Respondent was subject to the Policy at the time of the alleged conduct;
 - Whether the University has the current ability to impose sanctions on the Respondent if it finds the Respondent has violated the Policy;
 - Whether the Student Procedures, Employee Procedures, or both may be applicable;

-
- Whether the Complainant responds to the TIXO outreach, and what procedural option (if any) they request;
 - If the Complainant does not elect to file a Formal Complaint, whether they are available and willing to participate in an TIXO investigation; and
 - Whether the conduct as alleged would constitute a potential Policy violation.

Reports Where the Parties' Identities Are Unknown to the TIXO

In some cases, the TIXO may not know the identities of the parties involved in a report. For example:

- Concerns may be reported anonymously;
- A third party may report concerns without identifying the Complainant to the TIXO;
- The Complainant may not know who engaged in the behavior at issue;
- The Complainant may choose not to identify the Respondent to the TIXO if they do not want a University response to their concerns.

This year, the parties' specific identities were known in all the TIXO reports. In some instances, the TIXO may have general information about a party, (e.g., the TIXO may receive a report about "a faculty member") but no additional identifying information.

In instances where one or both parties' identities are unknown to the TIXO, the TIXO tries to use the available information in order to, for example:

- Pass information to an unidentified Complainant, e.g., through a third-party reporter, to ensure Complainant has accurate information about resources, supportive measures, and reporting options;
- Address the reported behavior with the Respondent and provide education about University policy and expectations, even if the Complainant's identity is unknown;
- Seek additional information to identify the Respondent(s);
- Seek additional information to identify whether there may be a pattern of concern in an area of the University or regarding the particular Respondent.

These efforts may be a Consultation, Review, Referral, or Other Response.

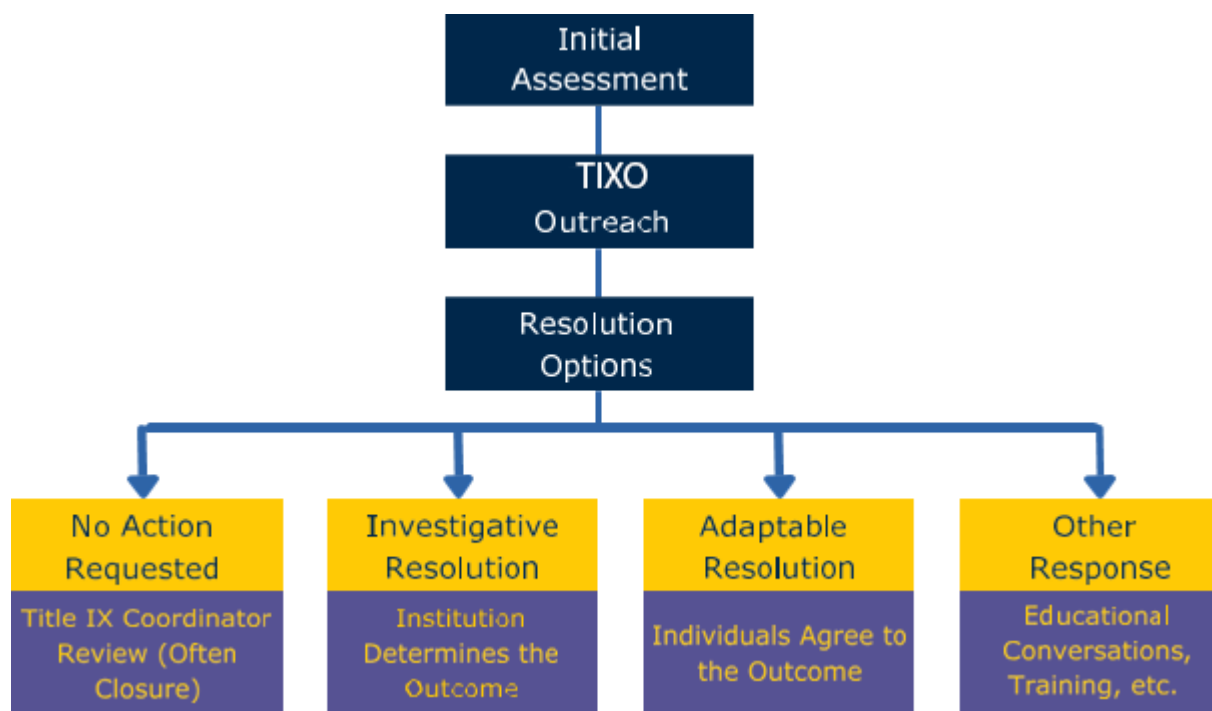
Reports Where the Complainant Chooses Not to Pursue Any Action

In some cases, a complaint may elect not to engage with the TIXO at all, or may consider information about resolution options and determine that they do not wish for the TIXO to take action in response to the concerns. While the TIXO seeks to act consistently with any requests by the Complainant as to the resolution process, in all instances the TIXO must consider implications for the entire University community, including campus safety and the risk of future misconduct, as well as the University's legal obligations.

Accordingly, in some cases (particularly involving allegations of sexual misconduct by a University employee), the Title IX Coordinator may initiate a formal investigation, if there is sufficient information to do so, or other resolution option as may be feasible and appropriate depending on the amount of information available. If the Title IX Coordinator opens an investigation where the Complainant has declined to do so, the TIXO informs the Complainant, who may or may not elect to participate in the investigation process. A Complainant is never compelled to participate in a process, and supportive measures remain available regardless of their decision. Likewise, Retaliation is prohibited regardless of the resolution action taken and whether the Complainant chooses to participate.

Matters Involving Student Respondents

As noted above, the action taken to address a report is generally made after, and informed by, communication with the Complainant; review of whether there are prior reports involving the parties or of similar alleged conduct by the Respondent; possible patterns in an area, organization, or unit within the University; and consideration of whether the conduct constitutes a potential Policy violation, as alleged, or would be inappropriate but not specifically Prohibited Conduct.



In the reports in which the Respondent was understood to be a current NMT student, the TIXO provided each identified Complainant with information about how to file a Formal Complaint, the availability of supportive measures, additional resources, and resolution options including reporting any possible criminal conduct to law enforcement. In instances where the TIXO did not have access to the Complainant's identity but a person who may have reported the matter but declined to identify the Complainant to the TIXO (and did not have an obligation under University policy to do so), The TIXO requested the person to pass on the same information to the unidentified Complainant to ensure the Complainant received the information even if they did not interact with the TIXO.

Formal Complaints

Of the reports understood to involve a student Respondent, there were no matters in which a Formal Complaint was filed alleging conduct that would, if supported by evidence, constitute a Policy violation and requesting a formal resolution process (either an investigative resolution or an adaptable resolution).

It often is not legally permissible or possible for the University to proceed with an investigative resolution to reach a finding of a violation without the Complainant's participation in a live hearing when the Respondent is a student, and Adaptable Resolution (i.e., Informal Resolution) is never an option without the parties' voluntary participation and the Title IX Coordinator's approval.

Accordingly, in the remaining cases - in which no Formal Complaint of a potential Policy violation was filed requesting an Investigative Resolution or Adaptable Resolution - other interventions or remedies (e.g., educational conversations with individuals, training efforts for a group of individuals) were used to address concerns where information was available and it was appropriate to do so.

	Investigative Resolution	Adaptable Resolution
Formal Complaint Required	Yes	Yes
Title IX Coordinator Approval Required	Yes	Yes
May be initiated by Title IX Coordinator without Complainant's request	Yes	No
May be initiated and compiled without Respondent's agreement/participation	Yes	No
Disciplinary/Non-Disciplinary	Disciplinary	Non-Disciplinary
Focus	Policy violation(s) supported by evidence	Harm
Purpose	Eliminate prohibited conduct, prevent its recurrence, remedy effects	Eliminate prohibited conduct, prevent its recurrence, remedy effects
Possible Outcomes	Violation found/sanctions; No violation finding/no sanctions	Parties agree on a resolution agreement; parties do not agree and an investigation is opened; parties do not agree and matter is closed

Why Aren't There More Student Investigations?

In this report, Investigation refers to a specific, formal resolution process through the TIXO. It is important to understand that a formal Investigation is only one of many actions that may be requested to address a concern.

Consistent with Title IX regulations, a Formal Complaint is required to initiate a formal Investigation. As discussed on page 20, some Complainants do not wish to pursue an investigation, and either or both parties may not even be identified to the TIXO. As noted on the table on page 6, there were no instances this year in which a Complainant(s) filed a Formal Complaint containing allegations of a potential Policy violation(s) and requested an Investigative Resolution under the Student Procedures.

Under Title IX, a report from a third party is not a Formal Complaint. If the Complainant declines to file a Formal Complaint, the Title IX Coordinator may do so where appropriate. In instances where the Complainant has requested that no Investigation be opened, for the Title IX Coordinator to file a Formal Complaint means that the Title IX Coordinator has determined:

- There is sufficient information to indicate a potential violation of the Policy; and
- There is sufficient information and legal ability to complete the appropriate Investigation process to reach a determination as to whether the Respondent violated the Policy; and
- There is a reason such as safety of the Complainant, safety of the University community, the risk of future Prohibited Conduct, or other sufficient justification to override the Complainant's request.

When the Respondent is a student, it generally is not legally permissible or possible for the University to proceed with an investigative resolution to reach a finding of a violation without the Complainant's participation in a hearing when the Respondent is a student. Accordingly, this year there was one instance in which the Title IX Coordinator determined it was appropriate to file a Formal Complaint under the Student Procedures where the Complainant did not do so. In addition, there were three instances in which the Complainant filed a Formal Complaint requesting action other than an Investigative or Adaptable Resolution, and action was taken accordingly.

Investigative Resolutions

An investigative resolution under the Student Procedures is appropriate when:

- The Respondent is a Student, as defined in the Policy; and
- The alleged conduct would constitute Prohibited Conduct, if supported by evidence; and
- The Complainant requests an investigative resolution; or
- The Complainant elects not to file a Formal Complaint but is willing to participate and submit to cross-examination at a hearing; and
- The Title IX Coordinator determines there is sufficient information to proceed and a Title IX or other obligation to do so.

Sanctions

When a Respondent is found to have violated the Policy, the Adjudicators (i.e., Hearing Panel) determine sanctions that are designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects. The parties have an opportunity to submit an input statement before sanctions are determined. The University generally imposes multiple sanctions on a Respondent who is found responsible for violating the Policy.

Additional Interventions to Remedy Discriminatory Efforts

In addition to sanctions imposed directly upon the Respondent, Adjudicators or Title IX Coordinator may identify other interventions that the University can take to remedy the discriminatory effect that the Complainant, and/or other community members, have experienced as a result of the conduct found to have occurred. These may be interventions such as providing education to individuals or groups, restorative justice processes for impacted parties (offered for voluntary participation), or such other measures as may be appropriate under the circumstances.

Appeals

Both the Complainant and the Respondent have the opportunity to appeal the outcome of an Investigative Resolution and, if there was a finding that the Policy was violated, both parties may also appeal the sanctions.

Under the Policy, each appeal is considered by a designated Appellant Officer. The Appellant Officer then issues a final decision to either accept or modify. Either party can appeal the finding, the sanctions, or both.

Adaptable/Informal Resolution

Informal Resolution is another formal resolution pathway that is available by request of one or both parties, voluntarily entered into by all participating parties, and approved by the Title IX Coordinator. The Informal Resolution is:

- Voluntary;
- Remedies-based;
- Non-disciplinary;
- Structured in accordance with the needs of the parties;
- Designed to allow Respondent to acknowledge and repair (to the extent possible) harm; and
- Aimed toward creating an agreement that meets both parties' need to address harm and promote accountability.

Matters Involving Employee Respondents

As noted above, the action taken to address a report is generally made after, and based on, communication with the Complainant; review of whether there are prior reports involving the parties or of similar alleged conduct by the Respondent, possible patterns in an area, organization, or unit within the University; and consideration of whether the conduct constitutes a potential Policy violation, as alleged, or would be inappropriate but not specifically Prohibited Conduct.

Formal Complaints

There were three (3) Formal Complaints against one employee and the unit. The three cases were merged into one case and a formal investigation was conducted by the TIXO. After a thorough investigation, it was determined that the allegations did not completely meet the criteria of Title IX, so the matter was referred to Tech's Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC) for resolution.

An investigation was opened in each of the matters in which a Complainant(s) filed a Formal Complaint alleging conduct that would, if supported by evidence, constitute a Policy violation and requested an investigation, as well as those matters in which the Complainant did not file a Formal Complaint but the Title IX Coordinator initiated the opening of an investigation. It is possible and appropriate under some circumstances for the Title IX Coordinator to open an investigation without a Formal Complaint filed by a Complainant. This is common in matters where:

- Respondent's specific identity is known to TIXO;
- Respondent is a University employee;
- The conduct, as alleged, constitutes a potential Policy violation, and TIXO has, or has a reasonable mechanism to obtain, sufficient information to conduct a fair, thorough, and effective investigation.

Why Aren't There More Employee Investigations?

In this report, Investigation refers to a specific, formal resolution process through the TIXO. It is important to understand that a formal Investigation is only one of many actions that may be requested to address a concern. Consistent with Title IX regulations, a Formal Complaint is required to initiate a formal Investigation. The most common way a Formal Complaint is filed is by a Complainant who is thereby requesting an Investigation under the applicable procedures. As discussed on page 20, some Complainants do not wish to pursue an investigation, and either or both parties may not even be identified to TIXO. As noted on page 6, there were three (3) instances this year in which a Complainant(s) or the Title IX Coordinator filed a Formal Complaint containing allegations of a potential Policy violation(s) and initiated an Investigative Resolution under the Employee Procedures.

Under Title IX, a report from a third party is not a Formal Complaint. If the Complainant declines to file a Formal Complaint, the Title IX Coordinator may do so where appropriate. In instances where the Complainant has requested that no Investigation be opened, for the Title IX Coordinator to file a Formal Complaint means that the Title IX Coordinator has determined:

- There is sufficient information to indicate a potential violation of the Policy; and
- There is sufficient information and legal ability to complete the appropriate Investigation process to reach a determination regarding responsibility under the Policy; and
- There is a reason such as safety of the Complainant, safety of the University community, the risk of future Prohibited Conduct, or other sufficient justification to override the Complainant's request.

Generally, where the concerns involve potential misconduct by a University faculty or staff member, if the first two criteria above are met, the Title IX Coordinator files a Formal Complaint to initiate an Investigation. As noted on page 6, this year, there were no Investigations under the Employee Procedures were initiated by the Title IX Coordinator filing a Formal Complaint, and three (3) were initiated by the Complainant.

Investigations

It is sometimes possible, but often is not feasible, for the University to proceed with an Investigation to reach a finding of a violation without the Complainant's participation in an Investigation and/or hearing when the Respondent is an employee.

An Investigation under the Employee Procedures is appropriate when:

- The Respondent is an Employee; and
- The alleged conduct would constitute Prohibited Conduct, if supported by evidence; and
- The Complainant requests an investigation; or
- The Complainant elects not to file a Formal Complaint but is willing to participate; and
- The Title IX Coordinator determines there is sufficient information to proceed and a Title IX or other obligation to do so.

As a result of federal Title IX regulations implemented by the Department of Education in 2020, there are two investigation processes under the Employee Procedures:

- Sexual Misconduct Process;
- Title IX Misconduct Process.

The one Investigation of the three (3) Formal Complaints were conducted under the Title IX Misconduct Process.

Employee Investigation Types

	Sexual Misconduct Process	Title IX Process
Applicability	Conduct at issue, as alleged, constituted Prohibited Conduct but not Title IX Misconduct	Conduct at issue, as alleged, constituted Prohibited Conduct & at least one allegation constitutes Title IX Misconduct
Investigation	Conducted by TIXO or other investigators as designated by Title IX Coordinator	Conducted by TIXO or other investigators as designated by Title IX Coordinator
Parties have opportunity to provide & identify evidence & potential witnesses	Yes	Yes
Investigator, not parties, responsible for identifying and obtaining all relevant & available evidence	Yes	Yes
Parties have opportunity to review all evidence prior to a determination being reached	Yes	Yes
Review of Report by Title IX Coordinator or designee	Yes	Yes
Live hearing with cross-examination	No	Yes
Decision-maker	TIXO or Hearing Officer	Hearing Officer

Possible Outcomes	Violation; no violation; no violation but other inappropriate behavior found	Violation; no violation; no violation but other inappropriate behavior found
Corrective Action	Determined by applicable supervisory authority	Determined by applicable supervisory authority
Appeals of Determination as to Responsibility	Yes	Yes
Resulting disciplinary action subject to Applicable Grievance Procedures	Yes	Yes

Matters Involving Third Party Respondents

The TIXO received no reports that either involved Respondents who are not University students or employees, or in which the TIXO did not have sufficient information regarding the Respondent's identity or affiliation status to determine whether and how the Respondent may be affiliated.

The TIXO would review and respond to each such report with appropriate mechanisms available, based on the nature and extent of the information provided to the TIXO, in order to: address the concerns; prevent Prohibited Conduct; and remedy any impact on individuals or the broader community including through supportive measures and other resources.

The following table on the next page shows action that may be generally available for the University to address concerns involving unaffiliated Respondents under particular circumstances.

Respondent (R)	Circumstances of Incident	Example	Availability of investigation	Availability of Supportive Measures	Other Possible Action
Previously but not currently affiliated	Occurred while R was affiliated	<ul style="list-style-type: none"> An alumnus contacts the TIXO and reports that another alumnus sexually assaulted them while both were students: A former student contacted the TIXO and alleges that a faculty member harassed them when they were a student and the faculty member has since retired 	Typically, not feasible (limited to no ability to impose sanctions; may not have contact information to allow Respondent to participate in a fair and meaningful investigation)	Yes	Referral to law enforcement if criminal conduct is alleged
Previously but not currently affiliated	Occurred while R was not affiliated	<ul style="list-style-type: none"> A community member reports that a former NMT student sexually assaulted them recently, and the former student graduated prior to the incident 	No. R was not subject to the Policy	Yes	Referral to other entity (e.g. R's home institution, law enforcement, etc.

Respondent (R)	Circumstances of Incident	• Example	Availability of investigation	Availability of Supportive Measures	Other Possible Action
Not affiliated	Occurred on campus or in a University program or activity	<ul style="list-style-type: none"> An unaffiliated third party reportedly engages in stalking of a University employee, including showing up to the employee's on-campus office A speaker invited by a student organization to come to campus reportedly engaged in gender-based harassment of students and staff while on campus for the event 	May or may not be feasible (limited to no ability to impose sanctions; may not have contact information to allow R to participate in a fair and meaningful investigation)	Supportive measures and campus resources if C is participating in a University program or activity Resources referral whether C is affiliated with NMT or not	Referral to other entity (e.g. R's home institution, law enforcement, etc.)
Not affiliated	Did not occur in a University program or activity	<ul style="list-style-type: none"> A report that a student was sexually assaulted by an unaffiliated third party while home during winter break A report that an employee's unaffiliated partner is arrested for domestic violence 	May or may not be feasible (limited to no ability to impose sanctions; may not have contact information to allow R to participate in a fair and meaningful investigation)	Supportive measures and campus resources if C is participating in a University program or activity Resources referral whether C is affiliated with NMT or not	Referral to other entity (e.g. R's home institution, law enforcement, etc.)

Resources for Support

What Support Is Available at the University?

- Designated Confidential Resources are available within the community to offer supportive and other services, including consultation about reporting options on a confidential basis.
 - Confidential Resources may not share information disclosed to them except with permission of the person who shared the information or in limited health and safety circumstances.
 - Confidential Resources include the
 - NMT Counseling Center (575-835-6619)
 - NMT Health Center (575-835-5094)
 - * Both Centers are located together in a suite on the 1st floor of Fidel Student Center, Suite 151. The suite entrance is on the exterior NW corner of the building.
 - Campus Ombuds (Confidential Employees);
Richard Sonnenfeld, Ph.D., richard.sonnenfeld@nmt.edu, 575-838-7113, Workman 347, Faculty Senate Ombudsman
Gloria Gutierrez-Anaya, gloria.gutierrez-anaya@nmt.edu, 575-835-6545, Macey 101, Staff Ombudsperson
- Non-Confidential Resources are also available to offer supportive and other services, but are not Confidential and some employees in these offices may be obligated to report.
- The Policy identifies a variety of Confidential and Non-confidential Resources available to members of the University community.

On-campus Emergency Resources:

- NMT Police Department (NMPD or CamPo)- **911** from a campus phone or call (575) 835-5555 from a cell. phone or outside landline. CamPo is located in the Student Activities Center (SAC)
- Student Health Provider- (575) 835-5094; 1st floor Fidel; Confidential Report (information provided to a Confidential Report will not be shared without the individual's consent)
- Counseling Services - (575) 835-6619; 1st floor Fidel; Confidential Report

On-campus Non-emergency Resources:

- Title IX Coordinator- (575) 835-5953 or (575) 835-5880; titleixcoordinator@nmt.edu; Fidel Student Center 238
- Office of AA/EEOC- (575) 835-5005; Cramer Hall 115
- Campus Ombuds (Confidential Employees);

Richard Sonnenfeld, Ph.D., richard.sonnenfeld@nmt.edu, 575-838-7113,
Workman 347, Faculty Senate Ombudsman

Gloria Gutierrez-Anaya, gloria.gutierrez-anaya@nmt.edu, 575-835-6545,
Macey 101, Staff Ombudsperson

- CamPo's non-emergency phone number is x-5434 from a campus line or (575) 835-5434 from a cell. phone or outside line.
- Complete and submit Tech's online [Title IX & Sexual Misconduct Reporting Form](#) by clicking the URL below or by cutting and pasting this URL into your browser
https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1.
These reports can be made anonymous but this may limit the Institution's ability with follow-up questions and investigations.
- Anonymous reports can also be made by victims and/or third parties using the online reporting form posted at [the NMT Affirmative Action Office](#), or the reporting hotline at (575) 835-5005.

Off-campus Emergency Resource

- Socorro Police Department (SPD), ambulance, or other emergencies- **9-911** from a campus phone or **911** from a cell. phone or outside line.

Community Resources & Partners:

- Socorro General Hospital (SGH)- (575) 835-1140 select Emergency Room (ER) from the recording options
- Socorro Mental Health- (575) 835-2444
- Socorro General Medical Group Clinic- (575) 838-4690, Tonya Hudson (LCSW) is a current resource for psychiatric needs, therapy, and connect victims with appropriate resources in the area.
- Sexual Assault Nurse Examiners (SANE)- (505) 884-7263; Albuquerque (transportation available via NMTPD)
- Rape Crisis Center of Central New Mexico- (505) 266-7711 or (888) 881-8282
- New Mexico Crisis Line & Access Line- (855) 662-7474
- Suicide Hotline and Crisis Line 988
- New Mexico Crisis, Warm Line (Peer to Peer) – (855) 466-7100
- New Mexico Crisis, TTY Line- (855) 227-5485
- Albuquerque Agora Hotline- (505) 277-3013
- CrisisText- Text HOME to 741741
- Presbyterian Medical Services- (575) 835-4444
- NMT Employee Assistant Program (EAP): Corporate Health Resource- (800) 348-3232
- National Suicide Prevention- (800) 273-8255

Confidential Reporting Options/Resources for NMT Students:

- NMT Counseling Center: Fidel Student Center Suite 151 – [\(575\) 835-6619](tel:(575)835-6619)
- NMT Health Center: Fidel Student Center Suite 151- [\(575\) 835-5094](tel:(575)835-5094)
- Socorro Mental Health Clinic: [1200 US Route 60](https://www.socorromentalhealth.com/) – [\(575\) 835-2444](tel:(575)835-2444)
- The National Domestic Violence Hotline: [\(800\) 799-7233](tel:(800)799-7233)
- National Sexual Assault Hotline: [\(800\) 656-4673](tel:(800)656-4673)
- Albuquerque Rape Crisis: [1025 Hermosa Dr. SE, Albuquerque, NM 87108](https://www.albuquerque Rape Crisis.org/) email:www.rape-crisis.org – [\(505\) 266-7711](tel:(505)266-7711)
- All of the resources listed above section (Community Resources & Partners) are confidential resources in most all cases (some reports involving minors are mandatory reports).

Confidential Reporting Options/Resources for NMT Employees:

- Employee Assistance Program (EAP) through Corporate Health Resources: <http://corporatehealthresources.com/> – [\(800\)348-3232](tel:(800)348-3232)
- Socorro Mental Health Clinic: [1200 US Route 60](https://www.socorromentalhealth.com/) – [\(575\) 835-2444](tel:(575)835-2444)
- The National Domestic Violence Hotline: [\(800\) 799-7233](tel:(800)799-7233)
- National Sexual Assault Hotline: [\(800\) 656-4673](tel:(800)656-4673)
- Albuquerque Rape Crisis: [1025 Hermosa Dr. SE, Albuquerque, NM 87108](https://www.albuquerque Rape Crisis.org/) email:www.rape-crisis.org – [\(505\) 266-7711](tel:(505)266-7711)

Supportive Measures

Supportive measures are available to all parties, regardless of whether the matter is reported, a Formal Complaint is filed, or the party participates in a resolution process.

Supportive measures are:

- Individualized services, accommodations, other assistance;
- Provided by the University;
- Free of charge;
- Available to all parties;
- Available regardless of whether a matter is reported;
- Available with or without a Formal Complaint;
- Not punitive or disciplinary in nature;
- Not an unreasonable burden upon another party;
- Designed to restore or preserve equal access to the University's Programs and Activities, protect the safety of all parties and the University's educational environment, and/or deter Prohibited Conduct.

Referrals and connections to other resources, both internal and external to the University, are not included in the data above regarding Supportive Measures, since all parties the TIXO contacts are referred to resources.

The following table displays some examples of Supportive Measures. This table is not exhaustive, and as Supportive Measures are individualized, parties are encouraged to identify any Supportive Measures needs they may have to the TIXO, or an applicable Confidential Resource to explore what measures may be available to meet their needs. Additionally, a particular Supportive Measure may not be appropriate in all instances, and Supportive Measures can be implemented in combination.

Type of Supportive Measure	Example of Supportive Measure
Academic	Ability to: re-schedule classes, exams, and assignments; transfer course sections; modify an academic schedule; or withdraw from a class; Withdrawal Without Prejudice (WO); leaves of absence
University Employment	Modification of work schedule or location or job assignment; leaves of absence
Housing	Changes in University Housing location; provision of temporary emergency University housing, assistance securing temporary off-campus housing or finding other off-campus housing
Counseling Services	On-campus counseling services; assistance connecting to community -based counseling services
Security	Increased monitoring of particular areas of campus; an escort to ensure safe movement on campus; temporarily limiting an individual’s access to certain University facilities or activities, as appropriate
Medical	Assistance connecting to community-based medical services; reassignment of patient to another provider
Contact	Contact restriction through the TIXO (typically mutual); assistance seeking a personal protection order through the court system; an instruction from NMTPD to cease contact with another individual

Conclusion

Since this was the inaugural year of this annual report, it was intentionally longer than we anticipate in future years. This year we provided many procedural steps and explanations so the Tech community has a better understanding of the role of the TIXO. Our goals are to help stop prohibited behavior, prevent its recurrence, and effectively remedy the situation for the Parties and the University. These goals are accomplished through training, prevention and awareness programming, appropriate communications, and establishing policies, procedures that protect the rights of the Parties and implement due process.

For more information, including definitions, resources, and a more detailed overview of the processes used to address sexual misconduct concerns involving faculty, staff and third parties, please visit the [Tech's Title IX Website](#) or contact NMT's Title IX Coordinator (see contact information below).

Finally, we welcome any feedback on how we might make this document more helpful, easier to understand, or otherwise improve its content. Please provide any feedback to the NMT Title IX Coordinator:

Peter Phaiah, Ph.D.
Fidel Student Center 238
575-835-5953 or 575-322-0001
titleixcoordinator@nmt.edu

APPENDIX

NMT Sexual Misconduct Reporting Options & Procedures

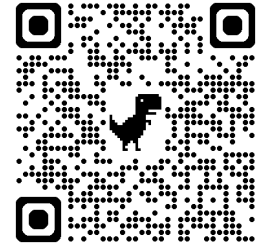
If you or someone you know is a victim of sexual misconduct, including sex-base harassment (e.g. sexual assault, intimate partner violence, stalking), or other forms of sex discrimination, please consider telling someone what happened and obtaining available resources and support:

- Notify New Mexico Tech Campus Police at (575) 835-5555; Campus Police Department is located in the Student Activities Center (SAC).
- Notify Tech's **Title IX Coordinator** (T9C) at (575) 835-5953 or (575) 322-0001; Fidel Student Center 238 (titleixcoordinator@nmt.edu)
- Notify Tech's Dean of Students (DOS) at 575-835-5548; Fidel 241.
- Notify Tech's Dean of Graduate Studies (DGS) at (575) 835-5513; Fidel 280.
- Notify Tech's Human Resources Director (HRD) for employees and work-related incidents at (575) 835-5955; Brown Hall 118D.
- Notify Tech's Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC) at (575) 835-5005; Cramer Hall, Room 115.
- Notify a Residential Life staff member (575) 835-5900, or Resident Assistant (RA).
- Notify an instructor, teaching assistant, advisor, supervisor or any Tech employee.
- Complete and submit Tech's online [Sexual Misconduct & Title IX Reporting Form](https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1) (https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1)
- Contact the NM Sexual Assault Program 505-883-8020.
- **Talk Confidentially** to one of Tech's Confidential Employees such as an Ombudsman, a Counselor at the NMT Counseling Center (575-835-6619) or Health Care Providers at the NMT Student Health Center (575-835-5094). Both centers are located together in a suite on the 1st floor of Fidel Student Center, Suite 151. The suite entrance is on the exterior NW corner of the building.



Please note- In order for New Mexico Tech to officially respond to a report or complaint of Sexual Misconduct, the Title IX Coordinator (T9C) or campus police must be informed of the incident. All employees, except for Confidential Employees listed above are considered Mandatory Reporters who are obligated to report any known or perceived sexual misconduct or sex discrimination to the University's T9C even if little information is known. Names and specific details of a report to the T9C will remain private and only disclosed with the permission of the complainant/victim, except as a need to know basis or when the laws pertaining to minors and vulnerable adults apply.

Students and Employees Options and Procedures



Option #1- Pursue internal (University) grievance process.

- Tech has one [Sexual Misconduct Policy](#) and a few different procedures to resolve related situations depending the alleged behavior and the status of parties involved. Some incidents may not fall under federal Title IX jurisdiction, however, the University has other processes in place to resolve incidents of alleged prohibited conduct. The T9C, HRD, and AA/EEOC can explain those procedures.

(<https://www.nmt.edu/titleix/NMT%20Sexual%20Misconduct%20Policy%202023.pdf>)

- Reporting options, support, and [Complainant's Rights](#) will be explained by the T9C.
- The T9C can explain NMT's resolution process, parties' rights, options, resources, and support.
- Physical evidence can be collected by police.
- All relevant witnesses can be interviewed by trained Title IX staff, AA/EEOC or a police officer.
- An investigation can take several days to several weeks, based on circumstances. Parties will be updated.
- Upon completion of the investigation, a report will be shared with the parties and reviewed by an Administrative Adjudicator, or a Hearing Panel for a formal resolution or the matter can handle by an informal resolution process if agreed upon by the parties.
- Parties are notified of any University allegations, investigations, needed meetings, hearings, resolution decisions, appeals, resources, and support.
- Tech refers to the party impacted (i.e. victim) by the incident/behavior as the Complainant and the alleged party (i.e. perpetrator) as the Respondent. Here are the [Respondent's Rights](#).
- Complainants and Respondents are equally entitled to have one (1) advisor/advocate present to support them during any University interviews or disciplinary proceeding.
- Both the Complainant and the Respondent shall be informed of the outcome of any institutional disciplinary proceeding alleging sexual misconduct.
- If either party disagrees with the finding of the formal grievance process, they have a right to request an appeal.
- Parties may also agree to have the matter resolved through an informal grievance process.
- The T9C can help establish a "No Contact Order" or other interim preventative measures or accommodations until the matter is resulted.

Option #2- Pursue criminal charges

- In some incidents a Complainant does not want the incident resolved by the University, but prefers NMT campus Police or law enforcement handle the case.

- Legal options can be explained in detail by NMT's T9C or Campus Police.
- These investigations are conducted by NMT Campus Police or in conjunction Socorro PD.
- Upon completion of the investigation, a report is forwarded to the Socorro County District Attorney for possible prosecution for criminal charges.

Option #3- Pursue both internal and criminal charges

- The process outlined in Option 1 & 2 occur simultaneously. Tech may be asked to temporarily delay its investigation until some initial work can be completed by the police.
- Internal University judicial and criminal adjudication processes occur independently.

Option #4- Report incident/assault, but choose not to pursue charges at present time

- Reporting options and support will still be explained by the Title IX Coordinator.
- Complainants can change their mind and pursue charges at a later day. Please be aware if you delay to pursue the case internally, some of your options may be reduced.
- Some protective measures (e.g. campus "No Contact Order") may be issued between the complainant and respondent/suspect.
- Some work, housing, classroom, and other accommodations can be provided.
- Depending on the report, the related crime will be reported in Tech's crime log and statistic records as mandated by the federal Clery Act. *Name will remain anonymous.*

Important Considerations

- Counseling is strongly encouraged in all cases. Employees have access to EAP.
- Medical treatment is recommended as appropriate.
- Complainants may elect to continue with the process, stop at the current time, or initiate the process at any time as long as the Respondent is still associated with Tech at the time.
- Complainants may choose not to participate in the process and instead decide to approach a counselor.
- Contact Tech's T9C or review [Tech's Title IX Website](https://www.nmt.edu/titleix/index.php) (<https://www.nmt.edu/titleix/index.php>) for additional details.

Contact the New Mexico Crime Victims Reparations Board at 1-800-306-6262 to determine if you are eligible for assistance with financial losses due to the crime.

This material is also available in Spanish and available at trainings.

