



FREQUENTLY ASKED QUESTIONS

Grievance Process, Investigations and Accommodations

Related Policy: Sexual Misconduct Policy

Common Questions from Complainants

1. Who can I call for help? Are there any confidential resources available to me?

The following resources offer free and confidential services for complainants, including advocacy, counseling, emotional support and/or guidance through law enforcement and University reporting processes. These resources are available to complainants regardless of whether they choose to report the sexual harassment, sexual assault, stalking, relationship violence or related retaliation (collectively, “sexual misconduct” or “prohibited conduct”) they experienced to law enforcement or the campus Title IX office.

- a. On-campus Emergency Resources:
 - i. NMTPD/CamPo- **911** or call (575) 835-5555 for a non-emergency; CamPo is located in the Student Activities Center (SAC) **Non-confidential report**
- b. On-campus Non-emergency Resources:
 - i. Title IX Coordinator- (575) 835-5187; titleixcoordinator@nmt.edu; Fidel Student Center 238
 - ii. Office of AA/EEOC- (575) 835-5005; Cramer Hall, Room 115
 - * Anonymous reports can be made by victims and/or third parties using the online reporting form posted at <http://www.nmt.edu/affirmative-action> , or the reporting hotline at (575) 835-5005.
- c. On-campus Confidential Employees
 - i. NMT Student Health Center- (575) 835-5094; 1st floor Fidel; **Confidential Employees.**
 - ii. Counseling Center- (575) 835-6619; 1st floor Fidel; **Confidential Employees**
 - iii. Faculty Ombudsman (575) 838-7113 and Staff Ombudsperson (575) 835-6545; **Confidential Employees**
- d. Community Resources & Partners:
 - i. Socorro General Hospital (SGH)- (575) 835-1140 select Emergency Room (ER) from the recording options
 - ii. Socorro Mental Health- (575) 835-2444
 - iii. Sexual Assault Nurse Examiners (SANE)- (505) 884-7263; Albuquerque (transportation available)
 - iv. Rape Crisis Center of Central New Mexico- (505) 266-7711 or (888) 881-8282
 - v. Presbyterian Medical Services- (575) 835-4444

- e. The University's Employee Assistance Program (EAP) is available to benefits-eligible employees. EAP provides confidential professional consultation and referral services to address any personal or work concern that may be affecting one's wellbeing. EAP can be reached at: Corporate Health Resource- (800) 348-3232

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

2. I share a class or residence hall with the person who sexually assaulted me. Can someone help me change that?

Tech's Title IX Coordinator (575-835-5953 or titleixcoordinator@nmt.edu , Fidel Student Center) can provide supportive measures and accommodations (e.g. changing class, changing housing, No Contact Order [NCO]) whether or not the Complainant (i.e. victim, impacted person) wants to pursue any internal or external action. The Title IX Coordinator will inform the Complainant of their rights and will not take any action without their consent. The Title IX Coordinator will work with instructors or Housing & Residential Life and only provided needed information or information agreed upon by the Complainant.

3. I missed a class/exam/assignment because I was sexually assaulted. Can someone help me address that?

The Title IX Coordinator (575-835-5953 or titleixcoordinator@nmt.edu , Fidel Student Center) can assist the Complainant with instructors, academic advisors, and departments, while providing only needed to know information.

4. How do I get a No Contact Order (NCO)?

Upon request of the Complainant, the Title IX Coordinator can issue a NCO as an interim supportive measure. The Title IX Coordinator can help with other supportive measures and accommodations, as well as begin the internal grievance process. The Title IX Coordinator can also assist the Complainant find Support Person (i.e., advocate, advisor) during all aspects of a complaint or report.

5. Do I have to file a police report if I have experienced prohibited conduct?

No. If you have experienced prohibited conduct, you are encouraged to file a police report. However, whether to file a police report is your choice. You can initiate an investigation at the University without having to file a police report.

6. Who can explain the grievance and investigation process to me?

The Title Coordinator can explain the Sexual Misconduct and Title IX Grievance Process to you. You can ask the Title IX Coordinator about the investigation process without sharing any information about your experience. Any information you provide to the Title IX Coordinator is private and will not be shared except on a need to know basis. You can also contact one of Tech's Confidential Employees (see 1.c. on first page of this documents) for support and additional information.

7. Do I have to initiate a University investigation if I have experienced prohibited conduct?

No, you do not need to initiate an investigation if you have experienced prohibited conduct.

8. If I initiate an investigation, will my parents find out?

No. The University does not contact your parents when you initiate an investigation. If you are under eighteen, however, and have disclosed prohibited conduct, the University may be obligated to contact your parents or legal guardians. It is up to the student if they notify their parent/s or guardian.

9. Are there resources on campus that can support me through the reporting and grievance process?

Yes, Tech's Confidential Employees are available to provide support and basic information regarding options. The Title IX Coordinator can provide information regarding Complainant rights and related Grievance Process options. The Title IX Coordinator also has a list of trained Advocates, if needed.

10. Can I bring someone to the campus Title IX office meeting or other related meetings?

A Complainant may have one (1) Support Person of their choice present during the all associated meetings (e.g., investigations, hearings, appeals). the Support Person may include a victim-survivor support person, an attorney or another advisor. It is preferred the Advocate is not Witness with information about facts material to the investigation. In some accommodation situations (e.g., a needed translator), an additional Support Person may be permitted by te Title IX Coordinator.

11. Is there a time limit for initiating an investigation?

No. There is no time limit for initiating a report. However, the University is limited in the responsive action it can take once a Respondent is no longer a University member. Moreover, the amount of evidence that the campus Title IX office or its designee is able to gather about the prohibited conduct incident may decrease as time passes.

12. If I report that I was sexually assaulted while incapacitated by drugs or alcohol, will I get in trouble?

No. If you decide to initiate a complaint, the campus Title IX office will focus the investigation on the alleged prohibited conduct. The University will not investigate whether you, the Respondent or any Witness violated the Student Conduct Code related to drug or alcohol consumption. 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.

13. Is it possible for a Complainant to remain anonymous during an investigation?

In most cases, no. The University's commitment to procedural fairness typically requires that a Respondent be provided with the Complainant's name. However, the campus Title IX office or its designee will determine if a request for anonymity can be honored on a case-by-case basis.

14. If a Complainant does not want the University to investigate, does that mean nothing will happen?

Not necessarily. Even when a Complainant does not initiate an investigation, the University may take action. Depending on the particular situation, such action might include:

- providing the Complainant with Supportive Measures (e.g., academic, housing or employment accommodations);
- providing training or education;
- making campus or facility safety improvements;
- reviewing policies or procedures with employees; or

- an investigation, in limited cases where the University is obligated to investigate even without the complainant's assent.

This is not an exhaustive list. Efforts will be made to stop the behavior, prevent its recurrence, and remedy the situation when possible

15. I am not affiliated with the University. Can I initiate an investigation against a University member?

Yes, if the alleged prohibited conduct occurred on University property, in the context of a University employment or education program or activity, or if the allegation indicates that the Respondent may present a danger or threat to the health or safety of University members. The campus Title IX office will consider the following factors, among others, in order to determine whether an allegation indicates that the Respondent may present a danger or threat: whether the Respondent is alleged to have used a weapon while committing prohibited conduct; whether the Respondent is alleged to have used force while committing prohibited conduct; and whether the Respondent has been alleged to have committed sexual assault, relationship violence or stalking against multiple complainants.

16. Can I report prohibited conduct to the campus Title IX office if the Respondent is not a University member?

Yes. Although the University may not be able to investigate the incident and hold the Respondent accountable, the campus Title IX office may be able to assist you in other ways, including providing information about the resources and support services available to you, helping you file a complaint with the Respondent's institution or taking other appropriate steps to protect the University community.

17. Will the campus Title IX office access my phone records or medical information, such as the results of my sexual assault evidentiary examination, during the course of the investigation?

If this information is relevant to the investigation, the campus Title IX office will ask the Complainant to provide the information. Complainants may then decide to whether to provide this information to the campus Title IX office.

Common Questions from Respondents

18. I have been accused of violating this policy. What happens next?

If your conduct is being investigated, the campus Title IX office or its designee will contact you to arrange a meeting and provide you with information about the investigative and applicable adjudicative processes. During the meeting, the campus Title IX office or its designee will share the specific allegations made against you and offer you the opportunity to provide information about these allegations. The campus Title IX office or its designee will ask you to identify other individuals who might have relevant information and to provide any other relevant evidence, such as text messages, videos, pictures, voicemails and other electronic communications or posts.

19. Can I bring someone to the campus Title IX office meeting?

Yes. You may have one (1) advisors of your choice present during the meeting. An Advocate may include a victim-survivor support person, an attorney or another advisor. It is preferred if the Advisor is not a witness with information about facts material to the investigation.

20. Am I required to participate in the campus Title IX office investigation?

You are only required to meet with the campus Title IX office to hear the allegations and learn about the prohibited conduct investigative and adjudicative processes. You are not required to respond to the allegations or provide other information to the campus Title IX office. However,

if you do not provide information, the investigation will proceed based on the information available.

21. Should I hire an attorney?

The decision to hire an attorney is a personal one that should be made in consultation with trusted individuals who can help you weigh your options.

22. Are there resources on campus that can help me through the investigation process?

If you are an employee, you can contact the Office of Human Resources, AA/EEOC, or the Title IX office to find out whether there are resources available to assist you.

If you are a student, you can contact the Title IX office to determine what resources are available to assist you through the investigation process.

23. I am a student. Can the University move me from my class or residence hall room before an investigation concludes?

The University may move you to another residence hall during a prohibited conduct investigation. Under limited circumstances, the University may suspend Respondents or limit their access to certain University buildings during a prohibited conduct investigation. Every effort is made to provide interim accommodations or protective measures in a way that minimize the burden on the individuals involved.

24. I am an employee. Can the University move me from my position before an investigation concludes?

Yes. In some cases, the University may suspend or reassign an employee during a prohibited conduct investigation. Every effort is made to provide interim accommodations and protective measures in a way that minimize the burden on the individuals involved.

25. Are there confidential resources available to me?

Yes. If a Respondent would like to speak with someone confidentially, students may contact the NMT Counseling Center (575) 835-6619; 1st floor Fidel. Employees can contact NMT Employee Assistant Program (EAP): Corporate Health Resource- (800) 348-3232.

General Questions

26. Will the campus Title IX office interview all witnesses that a Complainant or Respondent identifies?

The campus Title IX office or its designee will interview witnesses who are identified as having relevant information relating to the allegations. The campus Title IX office or its designee retains the discretion to determine which potential witnesses fall into this category. Generally, the campus Title IX office or its designee will not consider general information about a Complainant's or Respondent's character to fall into this category of relevant information, as this information has very low probative value and can be highly prejudicial.

27. Who has the burden of proof to find a policy violation?

Neither the Respondent nor Complainant has the burden to prove that prohibited conduct occurred or did not occur. The burden of proof is on the University. The campus Title IX office or designee will seek relevant information from the Complainant, Respondent and others as appropriate, but the burden to make the initial determination whether a policy violation has occurred rests with the University or its campus decision authority.