Policy Statement Regarding the Prevention of and Response to Sex Offenses, Domestic Violence and Stalking

NMHU educates students, staff and faculty about domestic violence, stalking or a forcible or non-forcible sex offense, including sexual assault, rape and date rape, through the following programs:

1. New Student Orientation; and

2. NMHU Center for Advocacy Resources Education & Support (CARES), which provides educational outreach and coordinates trainings for students, faculty and staff.

If you are a victim of a sex offense, domestic violence or stalking, your first priority should be to get to a safe place. You should then obtain necessary medical treatment. NMHU strongly encourages victims of a sex offense, domestic violence or stalking to report the incident in a timely manner. Time is a critical factor for collection and preservation of evidence.

A sex offense of any kind, domestic violence or stalking should be reported to one or more of the following:

- Off-campus emergency number 911
- On-Campus Emergency Number (Campus Police) (505) 454-3278
- New Mexico State Police (505) 425-6771
- Las Vegas Police Department (505) 425-7504
- NMHU Center for Advocacy Resources Education & Support (CARES) (505) 454-3529
- Student Health Center (505) 454-3218
- Dean of Students (505) 454-3020
- Las Vegas SANE (Sexual Assault Nurse Exam) (505) 718-6816
- After-Hours Rape Crisis (off campus) (505) 425-1048
- Affirmative Action/EEO officer (505) 454-3308
- Human resources director (505) 454-3308
- a dean, department chair, student adviser or
- residence hall staff in any residence hall

Making a report to law enforcement does not obligate a victim to pursue the matter through the criminal justice system. However, in certain circumstances, the state can bring charges against the perpetrator without the cooperation of a victim. Regardless of whether a victim pursues the matter through the criminal justice system, the victim of a sex offense or domestic violence is encouraged to obtain an exam to collect evidence that might not be available later and could be helpful in any subsequent prosecution. Ideally, a victim of a sex offense or domestic violence should not wash, douche, use the toilet or change clothing prior to an exam.

Once a report is made to Campus Police, NMHU Center for Advocacy Resources Education & Support (CARES), affirmative action/EEO officer, human resources director, Student Health Center, Office of Student Affairs or a dean, department chair, student adviser or residence hall staff member regarding an incident involving a sex offense, domestic violence or stalking, the victim will be informed of the following:
1. The victim’s option to notify law enforcement and to receive assistance from NMHU personnel. NMHU will comply with a victim’s request for assistance in notifying law enforcement.

2. Existing counseling, mental health and services for victims of domestic violence, stalking and sex offenses, including sexual assault, both on campus and in the community. The list of available resources is attached to this policy and is also available online at www.nmhu.edu/prevention and

3. If the victim is a student, the option to change the student’s academic and/or on-campus living situation, if requested, and if the changes are reasonably available.

If NMHU is notified of an incident involving a sex offense, domestic violence or stalking committed by a student, NMHU will investigate the matter appropriately and take action pursuant to NMHU’s Student Code of Conduct. NMHU’s Student Code of Conduct is found in the Student Handbook.

At any disciplinary hearing pursuant to the Student Code of Conduct, both the victim/accuser and the accused student have the right to have an adviser of his/her choosing present. The adviser may not participate in the hearing itself, such as examining witnesses or presenting information, unless asked to do so by the hearing committee. Both the victim/accuser and accused student will be notified in writing of the outcome of any disciplinary proceeding brought alleging a crime of violence, including assault and forcible sex offenses, or a non-forcible sex offense. The notification will only include the name of the accused student, the violation committed, and the sanction(s), imposed by NMHU on the accused student. Discipline that may be imposed on a student who is found to have violated the Student Code of Conduct includes disciplinary reprimand, restrictions, restitution, probation, suspension or expulsion from the University and/or University housing.

If NMHU is notified of an incident involving a sex offense, domestic violence or stalking committed by a faculty member or employee, NMHU will investigate the matter and take action as appropriate pursuant to NMHU’s policies applicable to the faculty member or employee. The victim/accuser and the accused will have the right to have an adviser of his/her choosing throughout the process and will be notified of the outcome of the process.

A student may also file a grievance against another student, an employee or faculty member pursuant to the Student Grievance Procedure, which is found in the Student Handbook. As stated in the policy, both the grievant and respondent may have an adviser present during an interview. Both the grievant and respondent will be notified of the outcome of the grievance.

An employee or faculty member can file a grievance pursuant to applicable NMHU policies. If you have any questions about this policy or would like more information regarding domestic violence, stalking, or a forcible or non-forcible sex offense, including sexual assault, rape and date rape, please contact the NMHU Center for Advocacy Resources Education & Support (CARES) at (505) 454-3529 or preventviolence@nmhu.edu or view available resources online at www.nmhu.edu/prevention.

The dean of students is authorized to and shall prepare procedures to implement this policy statement.
Definitions
New Mexico Highlands University main campus and center campuses adopt, for the purpose of this policy, the following definitions for violent offenses:

Sex Offense
Sex offenses are separated into two categories: forcible and non-forcible, including attempted sex offenses.

Forcible: any sexual act directed against another person, forcibly and/or against that person’s will where the victim is incapable of giving consent; including anal and oral intercourse; the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person; and the inappropriate touching or fondling of another’s intimate areas.

a. Consent defined: mutual agreement based on a shared desire for specific sexual activities; with a clear and concise yes throughout the sexual activity and not the absence of no. Consent cannot be granted if the victim is incapacitated due to alcohol or drugs; is unconscious or asleep or physically helpless; or suffers from a mental condition that does not allow them to understand the nature of the act.

Non-forcible: any sexual act in which force was not used, including: incest, which is the non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; statutory rape, non-forcible sexual intercourse with a person who is under the statutory age of consent.

Dating or Domestic Violence
Dating or domestic violence is also known as domestic abuse. This is any incident by or against a household member resulting in physical harm, severe emotional assault, bodily injury or assault, a threat causing imminent fear of bodily injury, criminal trespassing, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, stalking, harassment, and harm or threatened harm to children.

a. Household member defined: means a spouse, former spouse, parent, present or former step-parent, present or former in-law, grandparent, grandparent in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship.

b. Continuing personal relationship defined: means a dating or intimate relationship.

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

a. Pattern of conduct defined: means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly, or through third parties, follows monitors, surveils, threatens or communicates to or about a person.
Resources

Highlands University recognizes the harm caused by violence and the need to provide services to students and to educate the university community regarding this issue; Highlands offers the following services and educational programs and local resources:

A. Main Campus & Centers
1. NMHU Center for Advocacy Resources Education and Support (HU-CARES) Student Union Building Room 306 (505) 454-3529
2. NMHU Campus Police Corner of 10th St. & Baca Ave. (505) 454-3278
3. Office of the Dean of Students Felix Martinez Building Room 261 (505) 454-3020

B. Main Campus-Las Vegas
1. Tri-County Family Justice Center (505) 718-7300
2. New Mexico Behavioral Health Institute-Community Based Services (505) 454-5115 & (505) 425-1048 CRISIS
3. Las Vegas Sexual Assault Nurse Exam (SANE) (505) 718-6816
4. 4th Judicial District Attorney’s Office-Victims Assistance Unit (505) 454-9033

C. Rio Rancho & Albuquerque Centers
1. Haven House (505) 896-4869
2. Safe House (505) 247-4219
3. Rio Rancho Family Health Center (505) 896-0928
4. Albuquerque Rape Crisis (505) 266-7711

D. Santa Fe Center
1. Solace Trauma & Treatment Center (505) 988-1951 findsolace.org
2. Esperanza Shelter (505) 474-5536

E. Farmington Center
1. Family Crisis Center (575) 325-3549
2. Sexual Assault Services of Northwest New Mexico (575) 325-2805 (575) 326-4700 CRISIS
3. Navajo United Methodist Center: New Beginnings (505) 599-0984

G. Roswell Center at ENMU
1. Roswell House (575) 625-1095/1457 (575) 622-7263 CRISIS
2. Roswell Refuge for Battered Adults (575) 627-8361