

2019

NEW MEXICO HIGHLANDS UNIVERSITY
POLICE DEPARTMENT



ANNUAL SECURITY
REPORT

The Clery Act

The Clery Act promotes campus safety by ensuring that students, employees, parents and the broader community are well-informed about important public safety and crime prevention matters. Institutions that receive Title IV funds must disclose accurate and complete crime statistics for incidents that are reported to Campus Security Authorities (CSA's) and local law enforcement as having occurred on or near the campus. Schools must also disclose campus safety policies and procedures that specifically address topics such as sexual assault prevention, drug and alcohol abuse prevention, and emergency response and evacuation. The Clery Act also promotes transparency and ongoing communication about campus crimes and other threats to health and safety and empowers members to take a more active role in their own safety and security.

Resources

The information to complete this Annual report was submitted by the following agencies/departments or other resources:

1. NMHU Police Department
2. Las Vegas City Police Department
3. NM State Police
4. San Miguel County Sheriff
5. NMHU Dean of Students
6. NMHU Housing Director
7. NMHU Facilities Management Department
8. Environmental Safety Department
9. Highlands University Center for Advocacy Education and Support (HU CARES)
10. NMHU Office of Public Relations
11. NMHU Student Handbook
12. NMHU Housing Handbook (Living on Campus)
13. Document titles (Intersection of title IX and the Clery Act)
14. Clery Act Handbook
15. NM State Statutes
16. Federal Laws
17. Clery Center

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Geographical Location:

New Mexico Highlands University (NMHU) is geographically located in the small town of Las Vegas, New Mexico. Las Vegas is in the Northeast section of New Mexico next to Interstate 25.

NMHU is in the middle of Las Vegas with downtown bordering on the southwest corner. The rest of the University is bordered by residential area. See attached main campus map (6A – 6B).

NMHU has off site centers in Santa Fe, Rio Rancho, Albuquerque, and Farmington.

Policies for preparing the Annual Security Report:

The Annual Security Report shall be prepared by the Chief of Police and his Administrative Assistant.

We will utilize the Clery Center for the annual Security Report (ASR) checklist. The checklist has been reviewed and each required police disclosure that applies to the different departments has been sent to each department director.

The department director is responsible to submit all required information to the Chief of Police/Administrative Assistant.

When all the required information, policies and data has been reviewed by the Chief of Police/Administrative Assistant, they will be required to complete the Annual Security Report which will be made available for public review.

Sources reporting crime statistics are as follows:

- a. NMHU Police/Security Department
- b. NM State Police Department
- c. Las Vegas City Police Department
- d. San Miguel County Sheriff's Department

Reporting Criminal Offenses:

NMHU Police/Security Department is the primary law enforcement jurisdiction at the University.

NM State Police, Las Vegas City Police and San Miguel County Sheriff's Departments all have concurrent jurisdiction over NMHU.

NMHU Police/Security should be the primary law enforcement agency to receive all reported crime within the New Mexico Highlands University borders

The City of Las Vegas, NM State Police and the San Miguel County Sheriff's Departments will respond to calls for service if NMHU Police/Security are unavailable or upon request to these agencies for assistance.

Policy Statement:

Regarding reporting of crime is published in the NMHU Student Handbook which allows victims of crimes to pursue the matter through the justice system. However, in certain circumstances, the state can bring charges against perpetrators without the cooperation of a victim. The handbook is available free of charge to anyone who wants a copy.

Other institutions or title of individuals who may receive criminal reports are:

Off campus emergency number	911
On-campus emergency number	505-454-3278/5555
Campus Police	
New Mexico State Police	505-425-6771
Las Vegas Police Department	505-425-7504
NMHU Safety Officer	505-426-2059
NMHU Center for Advocacy Resources	505-454-3529
Education & Support (HU CARES)	
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 – Title IX	505-454-3308
Department chair, student advisor or residence hall staff in any residence hall	

The NMHU Administration and Police/Security department encourage individuals to report crime.

Voluntary Confidential Reporting:

NMHU's current policy does not specifically spell out that victims or witnesses can report crimes on a voluntary or confidential basis. However, this has been taking place in practice. The policy is currently being revised to reflect this. The current policy can be found at www.nmhu.edu/prevention.

The NM Highlands University has a policy through HU CARES and the Dean of Students offices to allow victims or witnesses to report crimes on a voluntary, confidential basis. This is disclosed in the student handbook policy statement regarding the prevention of and response to sex offenses, domestic violence and stalking. This policy was prepared by the HU CARES Director and the Dean of Students

We also utilize a document titled: Intersection of Title IX and the Clery Act. This document addresses professional and pastoral counselors; under Federal Law 34C.F.R.S668.46(b)(2)(iii). This provision allows pastoral and professionals an exception to reporting crimes

The NMHU Police/Security department has Policy # 3-38-1 titles Release of Information/Reports which includes confidential reporting.

The Police/Security department encourages development of confidential reporting. The proper legal use of confidential reports can greatly assist in identifying dangerous persons as well as collection of vital information where victims report crime even if it's confidential, they make the first step for NMHU to provide this victim with help so they can start coping with this issue, through Code of Conduct and Title IX

Security of and Access to Campus Facilities:

NMHU is an open campus and is open to the public. There is no policy to specify locations where the public can or cannot enter.

Policy Statement – Housing Department

Housing keeps all residence halls locked twenty four hours a day with security building checks of all residents halls by Police/Security officers at least twice a shift. We have three shifts. Policy within the Resident Living Handbook

All students living on campus are provided with this handbook through the Housing Department.

Policy Statement – Police/Security Department

NMHU Police/Security has a security management system policy that mandates police and security to walk through each building making sure they record their security checks utilizing a Proxi-guard wand that records time/date information off an information dot. Each information dot is placed at a strategic location to insure the Police and Security officers check the entire building.

Policy Statement – Facilities Management

Facilities Management operates the locksmith shop and keeps records of all locks and keys throughout the University.

NMHU Police/Security has a share program on the computer through which all requests to open and lock doors are sent via email.

Residential housing has cameras on all fire exits or entry points which are alarmed to prevent students from using these doors for entry or egress to the halls. This practice had reduced the use of emergency doors to come and go. Most students will use entrances and exits that allow daily entry or egress from halls. Key policy is kept by Facilities Management. Cameras are located in the hallways.

On a daily basis police/security officer's look for inoperable lights, locks, alarms, damaged windows, doors, equipment, elevators etc. and submit work orders during the shift to Facilities Management requesting repairs. We also look for security violations and hazardous situations and report these to Risk Management and/or Facilities Management.

Law Enforcement and Jurisdiction Statements

1. NM State Statutes give NM State Police full police authority for the State of New Mexico
 - a. State Police created State Statute 29-2-1
 - b. Concurrent jurisdiction of state property and grounds, State Statute 29-2-28
 - c. Cooperation with local and state, State Statute 29-3-2
2. San Miguel County Sheriff's Department has concurrent jurisdiction with NMHU Police/Security Department because NMHU is located in San Miguel County
 - a. Sheriff has primary jurisdiction in the County of San Miguel
3. City of Las Vegas Police – will assist NMHU Police/Security when called
4. NM Highlands Police/Security department has primary jurisdiction over NMHU properties authorized by board of Regents through NM State Statute 29-5-2, NMSA 1978.

We have full police authority over NMHU campus. Resolution NMHU by NMHU Board of Regents filed and NMHU Police/Security Policies and Procedures # 1-02-2. NMHU Police does not have any written agreement with other law enforcement agencies. We are preparing an agreement.

5. Accurate and Prompt Reporting

NMHU Police/Security Department has a policy #3.19 Investigations; that included the following:

Investigations

Policy

Purpose

Procedure – preliminary investigations

Procedure – follow-up investigations

Report writing

Source of information

Relationship with District Attorney's office

Organized/vice crimes and police intelligence

Information and complaints

Disposition of cases

Attachments:

NM Uniform Incident Report

NM Uniform Crime Report 2nd page

NM Uniform Crime Report additional offense/
Incident report

NM Uniform Crime Report additional Property

NM Uniform Crime Report supplemental report

When we prepare a written agreement with assisting Law Enforcement agencies, accurate and prompt reporting will be included in these agreements.

6. Confidential Reporting – Pastoral and Professional Counselors

NMHU Police/Security utilizes the document intersection or Title IX and the Clery Act Section that states who can provide complete confidential support service to victims of sexual violence or other crimes, as per 34CFB S668.46(b)(2)(iii).

NMHU will be developing a policy through the HU CARES office.

Monitoring and Recording of Criminal Activity

NMHU Police/Security Department keeps a records management system that includes all UCR (Uniform Crime Reports) that include (Clery Act Reports). Policy #.07.1 as per New Mexico State Statute 1.20.3.751 through 1.20.3.768.

We are currently using a hard copy file and are working toward creating an automated records system.

NMHU does not have any official recognized off campus organizations, nor off campus housing facilities.

Policies for Timely Warnings

NMHU Police/Security has a timely warning policy #3.01

Purpose:

- a. The police will serve to assign a protocol of response for first offenders to notify NMHU staff of an emergency call that may require assistance from other NMHU departments.
- b. Will also serve to notify appropriate NMHU executive staff, directors, faculty, students, NMHU community and the surrounding community.
- c. The policy creates protocol who, when, and how to send out emergency notifications (campus alerts).

Emergency Notification Policy

A call (emergency) will come in to NMHU Police Dispatch

1. A police/security officer will be dispatched to the scene, depending on the nature of the call. If the call is known to be dangerous, only certified police officers will be dispatched.

Examples of calls:

- a. Sexual assaults – perpetrator may be in the campus vicinity
- b. Unusual occurrences:
 1. Active shooter
 2. Hostage situation
 3. Barricaded gunman
 4. Homicide
 5. Armed or strong arm robberies, etc.
- c. Campus unrest
 1. Large unruly demonstrators
 2. Fights
- d. Fires, floods, tornados
- e. Chemical spills, etc.

f. The officer will make an immediate assessment of the situation and if the situation is an immediate threat to the campus community. If the situation is a threat the officer shall notify the supervisor and the Chief of Police. Based on information the officer has at the scene, the supervisor and Chief of Police shall notify immediately the following individuals:

1. Public Relations Director
2. Vice President of Finance and Operations
3. Dean of Students
4. University Safety Officer (Environmental Health & Safety Director)
5. Public Safety Officer
6. Housing Director
7. President of NMHU

The Public Relations Director, Dean of Student, Vice President of Finance and operations will immediately report to the Campus Police Department, these individuals will never go into an area that will place them in harm's way. The Chief of Police/Police Supervisor will proceed to the scene and continue to assess the incident and may deploy the call for other Law Enforcement assistance, and other resources to contain the danger zone, to stop or minimize the dangerous activity as quick as possible.

2. The Public Relations Director with assistance from the Dean of Students and Vice President of Finance and Operations will determine when, how and to who the emergency notices will be activated.

Emergency Communication Plan from Director of University Relations:

A crisis communications plan guides an organization during the first critical hours of a crisis to transmission of information during an emergency to follow up responses to the university and surrounding communities. This plan outlines strategies for communication throughout the duration of a crisis pursuant to 34 CFR 668.46(e) and establishes communication lines for the administration on less pressing instances.

During an emergency or potential crisis situation students, faculty and staff directly involved in the incident should:

- Notify Campus Police
- Notify the appropriate dean or director

Definition:

A crisis is not limited to major catastrophes such as the death of a student, fire or disease outbreak. It also can be a situation where personal or property harm is absent, such as sudden action by the legislature, student conduct infringing on the neighborhood or community, unexpected, critical public attacks on the university or its administration, students or faculty protests, etc. Even an event that initially seems somewhat calm can turn into a crisis without proper communication to appropriate audiences. This is why communication on issues that seem minor at the time is critical.

For this plan we will use the following definition:

A crisis is a situation that requires immediate and coordinated action from the university and one that could have significant impact on the operation of the university or its standing in the public eye.

Correct, accurate and timely release of information in a crisis helps reduce confusion, alleviate public concern, maintain consistent and professional community relations and provides both emergency service agencies and the media with appropriate information to assist them in fulfilling their responsibilities.

Emergency Drills, Testing and Evacuation Procedures (annually)

Resident Hall Fire Evacuation Procedures

When noticing a fire-related emergency, be it the sight or smell of smoke, any electrical equipment sparking, or the assumption that there may be a fire-related emergency, the individual noting the emergency must evacuate the immediate area and initiate the following procedure(s):

- Locate and activate the nearest emergency pull station.
- Call 911 and advise dispatcher of emergency situation.
- Notify others nearby, this includes staff and/or residents who are designated to notify each room by knocking on the doors and calling out “FIRE, FIRE, FIRE!” This is to ensure that sleeping persons are awakened. This is done only when safety and time permit. These persons are not expected to enter a smoke-filled corridor or housing unit to attempt evacuation.
- A designated individual or number of individuals should ensure an accounting of all known residents. Such duties would fall upon Resident Directors/Assistants, apartment managers, Housing maintenance/custodial staff, or in the case of married student housing, an adult member of the family.
- Due to the rapid spread of fire and smoke traditionally related to this type of occupancy, a selective evacuation is not permitted. The entire dormitory or

connected family housing group must be evacuated regardless of the size of fire.

Anyone calling to report a fire must inform the dispatcher of the building name and/or street address, if known. Additional information should include:

- Location of emergency within or near the facility
- The extent of the emergency (one room, a vehicle, the first floor, etc)
- Whether or not the building is being, or has been evacuated.
- If there are any known persons who cannot evacuate on their own for whatever reason
- If the fire is spreading, contained or if it has been extinguished
- If the fire alarms are sounding or if the sprinkler system has activated.
- Any other notable information that would help emergency responders, such as
 - Color of smoke
 - What started the fire, if known
 - Any known injuries
 - Any suspicious people or objects in the area of the emergency, or
 - Any other information which you feel would be helpful
- An individual who is knowledgeable of the situation should be designated to stand outside and advise the first emergency responder of the location and current situation regarding the emergency.
- When the building has been evacuated, do not allow anyone to re-enter until directed by the responding emergency personnel. The only agencies authorized to allow re-entry is the Senior Fire Officer, Campus Police, Safety Officer or other authorized representative.

Anyone wanting further information or training on fire evacuation procedures should contact the NMHU Safety Department at 454-3392

Programs to prevent dating violence, domestic violence, sexual assaults and stalking policy statements:

The Center for Advocacy Resources Education and Support (HU CARES) provides educational programming and campaigns to promote primary prevention, awareness, policies and available services surrounding the issues of dating violence, domestic violence, sexual assault, and stalking. Specific programs are targeted towards incoming students, first-time freshman, student athletes, and students residing in the residence halls. Students are addressed at New Student Orientation and then continuously throughout their time at NMHU. Specific programming includes topics about consent, healthy relationships, bystander intervention and safety planning.

The bystander intervention programming provided by HU CARES assists participants with the following understanding the concepts of bystander intervention, identify a continuum of inappropriate sexual behavior, develop empathy for others, understand their role and commitment to intervene, understand their own barriers to intervention and how to overcome them and develop skills on how to intervene appropriately.

New Mexico Highlands University explicitly prohibits the crimes of dating violence, domestic violence, sexual assault and stalking at the main campus and center campuses.

Procedures to follow if a crime of sexual assault, domestic violence, dating violence or stalking has occurred:

Policy Statement:

NMHU educates students, staff and faculty about domestic violence, stalking, forcible or non-forcible sex offense, including sexual assaults, rape, dating violence and domestic violence. Policy prepared by HU CARES.

Confidentiality:

Policy statement:

NMHU encourages the use of confidential reporting from individuals who wish to report criminal activity or any information that may be used during the investigation of a criminal incident. This policy establishes keeping records and the identity confidential to protect the individual who wishes to remain anonymous from retaliation from suspects or person(s) who want to harm or intimidate these individuals because they provided information or reported a crime. Policy is prepared by NMHU Police/Security Department.

Registered Sex Offender Policy Statement:

It is the Sheriff Department's responsibility to keep current the registered sex offender list, pursuant to NM State Statute:, information on registered sex offenders can be found online at <http://www.nmsexoffender.dps.state.nm.us>.

Disciplinary Procedures:

Policy Statement

1. Explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking, including

- a. *Description of each type of disciplinary proceeding used by the institution (students, staff, faculty)?*
- b. *Steps, anticipated timelines and decision-making process for each type of disciplinary proceeding?*

NMHU 2014-2015 Student Handbook (page 89) as well as <http://www.nmhu.edu/student-handbook/#Conduct>:

Procedural Guideline:

The essential safeguards for fair treatment will be provided for students charged with violating university regulations. The following shall serve as procedural guidelines.

A. Written Notification

The Office of Student Affairs will inform the student with a written Notice of Charge that she or he is accused of a violation of a university regulation(s). Such written notice will be sent to the student's most recent address of record. The notice will include the alleged violation, the Code of Student Conduct regulation(s) allegedly violated; and the possible consequences for not responding to the notice. Included with the notice will be a Response to Charge form and copy of the NMHU Code of Student Conduct, which includes rights, responsibilities, disciplinary conference and administrative hearing procedures.

B. Student Response

Within five working days of receipt of the Notice of Charge, the student must reply to the Office of Student Affairs using a copy of the Response to the Charge form. A working day is any day that the university administrative offices are open. If the student chooses not to complete the form by the given deadline, this failure to respond will be deemed an admission of guilt. A ruling will then be made based on that admission. On the Response to Charge form, the student should indicate whether she or he requests a disciplinary conference on the charges.

C. Disciplinary Conference

Within five working days of receipt of the Response to Charge, the dean of students shall schedule a disciplinary conference, if requested by the student. A disciplinary conference is a private meeting between the dean of students and/or a designee and the student at which the student has an opportunity to respond to the charges against her or him.

D. Imposition of Discipline

Within five working days of the disciplinary conference, or if no disciplinary conference was requested, within five working days of receipt of the

Response to Charge, the Dean of Students shall provide the student with a written Notice of Disciplinary Action. If the disciplinary action taken is suspension or expulsion, the student has a right to a hearing prior to the discipline being imposed. If not, unless otherwise stated in the Notice of Disciplinary Action, the discipline takes effect immediately, is final and not appealable.

E. Hearing

1. If the Dean of Students imposes a discipline of suspension or expulsion, the student may request, within five working days of receipt of the Notice of Disciplinary Action, that a hearing be held before the disciplinary action is imposed. The request must be in writing and submitted to the dean of students. The appeal request shall be referred to a Hearing Committee consisting of members of the Student Affairs Committee of the Faculty Senate, which may include student representation.
2. Within five working days of receipt of the request to the Dean of Students, the hearing shall take place within 30 calendar days of receipt of the request for a hearing, unless the dean of students, in his or her sole discretion, extends the time for the hearing.
3. When a hearing is held, the accused student(s) and the Dean of Students shall be given a minimum of five working days written notice prior to the hearing.
4. Two working days prior to the hearing, the student and Dean of Students shall submit to the hearing committee chairperson and to the other party, a list of witnesses, and copies of any documents submitted as evidence at the hearing. Statements of absent witnesses may be submitted in lieu of testimony at the hearing, so long as the other party is notified at least three working days prior to the hearing of the name of the witness and that witness makes himself or herself available for an interview by the other party and additional statement, if requested.
5. If two or more students are charged in the same incident and two or more request a hearing as a result of the discipline imposed, the Hearing Committee may hold a joint hearing in the matter.
6. The hearing will be closed. The student and the Dean of Students may attend the hearing. Witnesses will attend only for the purposes of their testimony.
7. The hearing will be informal in nature; strict rules of evidence do not apply. However, the hearing chairperson may exclude evidence that is irrelevant or duplicative.
8. The Dean of Students has the burden of proof at the hearing to demonstrate that the violation of the student code occurred and that the discipline imposed was reasonable.
9. The accused student(s) and the Dean of Students have the right to the following:

- Be present at the hearing; however, if either or both the student and Dean of Students fail to appear at the hearing, the hearing will be held in either or both of their absences.
 - Present evidence by their own testimony, by witness, or by official written statement from a witness, if that witness is unable to attend the hearing, under conditions stated above. It is the responsibility of the accused student and the Dean of Students to notify their witnesses of the date, time and place of the hearing. If witnesses fail to appear, the hearing will be held in their absence.
 - Bring one adviser to the hearing. The adviser, however, may only participate in providing advice. The adviser may not participate in the hearing itself, examinations or the presentation of information or materials to the hearing committee, unless asked to do so by the hearing committee. It is the responsibility of the accused student and the Dean of Students to notify the adviser of the date, time and place of the hearing. If an adviser fails to appear, the hearing shall take place in his or her absence.
 - Question all witnesses
10. The following procedures shall be followed in administrative hearings:
- Welcome by the hearing committee chairperson
 - Recognition of the parties present
 - Reading of allegations
 - Opening statement by the Dean of Students
 - Opening statement by the accused student
 - Testimony of the Dean of Students' witnesses, including cross-examination by the student and question by hearing committee members
 - Testimony of the student's witnesses, including cross-examination by the student and questions by hearing committee members
 - Rebuttal evidence presented by the Dean of Students, if any, to address issues raised by the student's witnesses
 - Rebuttal evidence presented by the student, if any, to address issues raised by the dean of student's rebuttal evidence.
 - Closing remarks from the Dean of Students
 - Closing remarks from the accused student.
 - Closing statements by the Hearing Committee chairperson
 - Adjournment of the hearing
- A verbatim record (either by written transcript or tape recording) shall be made of all evidence introduced at the hearing. This verbatim record shall be maintained for a period of one year after hearing.

11. The hearing committee shall deliberate following the hearing. Unless there is reasonable cause for delay, a written copy of the committee's recommendation and the record will be sent to the university president within five working days. The recommendation shall be copied to the student and the Dean of Students. The student may request a copy of the record, which will be provided at the student's expense. The Universities president shall receive the recommendation of the hearing committee and may either accept it, modify it or reject it. He or she shall notify the student, the Dean of Students and the hearing committee chairperson of his decision in writing. If the discipline imposed by the president is a suspension or expulsion, he or she shall also copy the registrar on his or her decision. The president's decision shall be final.

- c. Information about how to file a disciplinary complaint?*
- d. How the institution determines which type of proceeding to use based on the circumstances of an allegation.*
- e. Description of the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation?*

NMHU 2014-15 Student Handbook (page 89) as well as <http://www.nmhu.edu/student-handbook/#Conduct>:

Reporting an incident of nonacademic misconduct

Anyone wishing to report an alleged incident of prohibited nonacademic conduct may make a report in writing to the Dean of Students (Office of Student Affairs) or the Department of Housing and Student Conduct (Report forms are available in both offices). The Dean of Students and/or designee will determine whether any action should be taken in response to the report. In administrative responses/investigations, strict rules of evidence do not apply. The standard of evidence for administrative responses/investigations of alleged nonacademic misconduct is preponderance of evidence, a lower standard than the beyond reasonable doubt standard used in civil and criminal proceedings. In examining and assessing evidence, the Dean of Students and/or designee considers whether the incident is more likely than not to have occurred. If determined by preponderance of evidence to have occurred, the Dean of Students and/or designee shall decide whether the student code of conduct or other university policies have been violated and shall follow the student discipline process in determining what, if any, disciplinary measures or sanctions may be imposed in response to and as a consequence of the cited behavior.

NMHU 2014-15 Student Handbook (page 94) as well as <http://www.nmhu.edu/student-handbook/#Conduct>:

Student Grievance Procedure

Objective: To provide the timely review of student complaints of a violation of university policy or procedure, including claims of discrimination or harassment on the basis of sex, race, color, religion, national origin, age, ancestry, physical or mental disability, serious medical condition, spousal affiliation, sexual orientation, gender identity, veterans status, or any other basis prohibited by applicable law.

1. General Provisions

- 1.1** The university's Dean of Students/Office of Student Affairs will advise students using this grievance procedure by explaining policies and procedures, providing objectivity to the process, assisting in preventing delays in the process and resolving grievances between the parties, if possible. Where a grievance is based on a claim of discrimination, the affirmative action/EEO officer shall provide such assistance to the grievant.
- 1.2** Except as provided in Paragraph 2 below, a grievance filed pursuant to this Grievance Procedure shall be in writing and contain a precise statement of the conduct giving rise to the grievance, the policy or procedure that the grievant alleges has been violated, and the specific remedy that the grievant is seeking. The Dean of Students/Office of Student Affairs shall only permit the amendment of such written grievance if it determines that the amendment will not prejudice the respondent's ability to respond to the grievance.

For purposes of this procedure the following definitions will apply:

- 1.3** The term "grievance" means an allegation that the grievant has been directly affected by a violation of university policy or procedure. If a student has a concern or conflict that does not rise to a violation of university policy or procedure, the student should use the resolution of concerns procedure. A grade appeal is not a "grievance" for the purposes of this grievance procedure. Grade appeals are covered under The Resolution Student Concerns Section A.
 - 1.3.1** The term "grievant" means a person who was a student at the time the conduct giving rise to the grievance took place. A student employee whose complaint arises from conduct taking place during the student's employment, is not a "grievant" for the purposes of this grievance procedure.
 - 1.3.2** The term "respondent" means another student, a faculty member, a staff member, or the university's administrative unit against whom a grievance is filed.
 - 1.3.3** The number of "working days" indicated shall mean those days when those administrative offices of the university are open.

1.3.4 Grievances will be handled with reasonable promptness in both the submission and the processing. If the grievant fails to act within the time limits provided herein, the university shall be deem the grievance withdrawn. Time lines may be waived or otherwise established by mutual agreement of the parties or for other justifiable reasons, in the sole discretion of the Office of Student Affairs.

1.3.5 If a grievance is filed against an employee in the Dean of Students/Office of Student Affairs, the president shall designate another employee to fulfill the role of the Office of Student Affairs in paragraphs 3 and 4 below.

2. Reporting Discrimination or Harassment

University policy prohibits discrimination or harassment on the basis of a person's sex, race, color, religion, national origin, age, ancestry, physical or mental disability, serious medical condition, spousal affiliation, sexual orientation, gender identity, veteran's status or any other basis prohibited by applicable law.

2.1 Persons Who Should Make a Report of Discrimination or Harassment

2.1.1 A student who believes that he or she is being subjected to discrimination or harassment should report the discrimination or harassment.

2.1.2 A report should also be made by any person, including staff, faculty or another student, if that person believes that a student is being subjected to discrimination or harassment.

2.2 Persons to whom discrimination or harassment should be reported

2.2.1 Reports of discrimination or harassment should be reported to the university's affirmative action/EEO (AA/EEO) officer, a department chair, a student adviser, a director, a dean, or campus police.

2.2.2 Any department chair, student adviser, director, dean, campus police officer or other employee who receives a complaint of discrimination or harassment must report the complaint to the AA/EEO officer as soon as possible. The AA/EEO officer is responsible for coordinating the university's response to reports of discrimination or harassment. The current AA/EEO Officer is: Denise Montoya, Director of Human Resources, (505) 454-3308, Box 9000, Las Vegas, NM 87701

The timeframe for reporting discrimination or harassment shall be 90 calendar days from the date of the discrimination or harassment, not 15 working days as described in Subparagraph 4.2.1 below.

Even if this timeframe has passed, the university encourages reports of discrimination or harassment, even if they are no longer eligible to be processed as grievances under this grievance procedure. In addition,

the time frames for filing a grievance on the basis of discrimination or harassment may be waived by the AA/EEO officer for good cause. The university, in its discretion, reserves the right to conduct an investigation into a report of discrimination or harassment, even when the student being discriminated against or harassed requests that the university take no action or refuses to cooperate in the investigation. However, the university's ability to deal with a report in such circumstances may be limited. In addition, the university may waive the requirements of this grievance procedure or portions of the procedure in cases of discrimination and harassment, including by accepting oral grievances based on discrimination or harassment, and to take immediate and appropriate corrective action as deemed appropriate or necessary. In processing a grievance based on discrimination or harassment, the AA/EEO officer shall fulfill the role of the Office of Student Affairs in the procedures outlined in Paragraph 4 below.

The university will keep its investigation into the report of discrimination or harassment as confidential as possible. The student who might have been discriminated against or harassed, the respondent and individuals interviewed, as part of any investigation will be told that they are to keep the matter confidential.

A student who might have been discriminated against or harassed may request that his or her name not be disclosed to the respondent. A request of this type may limit the university's ability to respond to the report. However, the university will do its best to honor the request, to the extent possible.

3. Retaliation Prohibited

It is a violation of university policy for any person to retaliate in any way against a student for filing a grievance pursuant to this grievance procedure. Any such retaliatory action should be reported immediately to the Office of Student Affairs. Appropriate disciplinary action will be taken against any person found to have retaliated against a student for filing a grievance pursuant to this grievance procedure.

4. Process

4.1 Consultation

Prior to the initiation of the grievance process, a student may wish to discuss the conduct giving rise to the grievance on an informal basis. The student may use the process outlined in the Resolution of Student Concerns for this purpose, or

consult with the Dean of Students/Office of Student Affairs regarding informal conflict resolution.

4.2 Filing a Grievance

4.2.1 Time for Filing.

A grievance must be filed in writing on a form provided by the Dean of Students/Office of Student Affairs. The grievance should be submitted to the Dean of Students/Office of Student Affairs within 15 working days of the date on which the grievant knew or should have known of the conduct giving rise to the grievance.

4.2.2 Content of Grievance.

The grievance shall be in writing and contain a precise statement of the conduct giving rise to the grievance, the university policy or procedure that the grievant alleges has been violated, and the specific remedy that the grievant is seeking. Documentation, in the form of facts, circumstances, and the names and addresses of witnesses having information pertinent to the grievance must also be a part of the written grievance.

4.2.3 Response to Grievance.

The respondent will submit a written response to the grievance, which addresses each allegation in it and will include any pertinent information supporting his or her response. The respondent's written response will be submitted to the Dean of Students/Office of Student Affairs within ten (10) working days of receipt of the grievance. If the respondent does not submit a written response, the matter will proceed to the investigation stage.

4.2.4 Investigation.

The Dean of Students/Office of Student Affairs will conduct an investigation into the grievance, or appoint a committee to do so. The investigation will include a review of the materials submitted by parties, witness interviews, if appropriate, and review of any additional materials, either gathered by the investigator or requested from the parties. The grievant and respondent may have an adviser present during any interviews. The adviser may be an attorney. The adviser may not participate in the interview, but may advise the grievant or respondent.

4.2.5 Findings and Recommendations.

Upon completion of the investigation, a report will be prepared by the Dean of Students/Office of Student Affairs or the committee that should contain a summary of the information and documents considered during the investigation, findings and recommended actions, if any. The report will be prepared as quickly as possible,

preferably within thirty (30) working days after notice is given to the respondent that a complaint has been filed.

4.2.6 Final Decision.

The report will be forwarded to the appropriate Vice President/Dean of Students or his or her designee for a final decision.

1. When the respondent is a student, the report will be forwarded to the Dean of Students or his or her designee,
2. When the respondent is a staff member, the report will be forwarded to the Vice President of Finance/Administration or his or her designee; and,
3. When the respondent is a faculty member, the report will be forwarded to the vice president for academic affairs or his or her designee.

The Vice President/Dean of Students or his or her designee may accept, modify or reject any findings or recommendations in the report.

If the Vice President/Dean of Students decides that disciplinary action against the respondent may be appropriate, the disciplinary action shall be imposed pursuant to the discipline procedures applicable to the respondent.

4.2.7 The grievant and the respondent will be advised of the outcome of the investigation into the grievance after the decision is made by the Vice President/Dean of Students or his or her designee.

4.2.8 The timelines in this policy may be extended by the Dean of Students/Office of Student Affairs in its sole discretion.

4.2.9 The Dean of Students/Office of Student Affairs will maintain the records of the investigation. Other than as required by law, no records, documents or other materials gathered or created during the investigatory process will be released to anyone, including the grievant or respondent.

5. Appeal

The decision of the appropriate Vice President/Dean of Students is final regarding the merits of the grievance. A respondent may appeal disciplinary action taken against the respondent only as provided for any policies applicable to the respondent.

Moreover, NMHU's Policy Statement Regarding the Prevention of and Response to Sex Offenses, Domestic Violence and Stalking (NMHU 2014-15 Student Handbook page 76 and <http://www.nmhu.edu/student-handbook/#SexOffenses>) states: 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.

Student Grievance Procedure

Students Name: _____ ID# _____

Address: _____

Telephone #: Home: _____ Work: _____

Name of person whose conduct gives rise to this grievance: _____

Address / Building: _____

Telephone #: Home: _____ Work: _____

Date violation took place: _____

Earliest: _____

Latest: _____

Describe in detail the conduct giving rise to the grievance, including the facts, circumstances, and any other pertinent information (use additional pages if necessary):

Explain why you believe that the conduct violated University policy or procedure:

Identify any witnesses having information pertinent to your grievance, including the name, address and work/home telephone number of each witness, if possible:

State the action or remedy requested to resolve grievance:

Signature of Student _____ Date _____

FOR OFFICE USE ONLY:

Date Received _____

Office of Student Affairs/NMHU Center Representative: _____

Grievance fits within the scope of student handbook: Yes No

Date: _____

Respondent(s) Identified: _____

f. List of all possible sanctions the institution may impose following the results of any disciplinary proceeding?

NMHU's Policy Statement Regarding the Prevention of and Response to Sex Offenses, Domestic Violence and Stalking (NMHU 2014-15 Student Handbook, page 76, as well as [http://www.nmhu.edu/student-handbook/#Sex Offenses](http://www.nmhu.edu/student-handbook/#Sex%20Offenses)) states:

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.

NMHU 2014-15 Student Handbook (page 86) as well as <http://www.nmhu.edu/student-handbook/#Conduct>:

6. Disciplinary measures or sanctions

Disciplinary Reprimand. A written warning to the student that the cited behavior is not acceptable by university standards. The student is warned that further misconduct may result in more severe disciplinary action.

Disciplinary Restrictions. Limiting certain privileges or practices of the individual(s) involved in the offense for a specified period of time. The student may be restricted from certain areas of the campus; from contacting or communicating with specified individuals within the campus community; and from privileges or practices including being prohibited from a university event or extracurricular activity.

Restitution. The student is required to make payment for the loss or damage to the university or to an individual(s), group(s) or organization(s). Arrangements for restitution can be made through the Dean of Students Office for direct payment or for charges to be assessed or garnished through the student's business office account.

Disciplinary Probation. A specified period of time during which the student is expected to comply with university regulations. If the student violates university policy within the given time frame, more severe disciplinary action may occur.

Expulsion from University Housing Facilities. Removal from university housing.

Emergency Suspension and/or Restrictions. To protect the safety of the university community, it may be necessary to suspend a student(s) from class,

campus facilities, university premises or university-sponsored functions, etc. The Dean of Students shall have the authority to immediately suspend and have removed from campus students who present an immediate threat to the health, safety or security of other students, faculty and employees of New Mexico Highlands University or to university property. Emergency removal may not exceed ten days, during which time the student must be given a disciplinary conference, as described below. An emergency suspension may only extend beyond ten days if the university president determines an extension is necessary to protect the health, safety of the university community. In such circumstances, unless waived by the student, the Office of Student Affairs shall develop a timetable for the procedures as described below in Section 7, so that the entire process is completed within 30 calendar days of the disciplinary conference.

Disciplinary Suspension. Disciplinary Suspension is defined as temporary exclusion from the university for a specified period of time. Suspension includes restrictions from university property during the specified time, including areas of campus that are open to the public such as the library, retail and residential dining facilities, university bookstore, Ilfeld Auditorium and university athletic facilities. Individuals on disciplinary suspension are prohibited from enrolling in classes, residing in university residence halls, and participating in any university event or activity during the specified time. Disciplinary suspension does not appear on university transcripts, but disciplinary suspension on a student's record may affect participation in university-sanctioned or sponsored activities including, but not limited to, clubs/organizations, intercollegiate athletics, student employment, and student government.

Disciplinary Expulsion. Disciplinary Expulsion is defined as indefinite separation from the university. Expulsion includes restrictions from university property and activities. Individuals who have been expelled from the university are prohibited from enrolling in classes. Expelled students are prohibited from coming onto campus for any reason and from participating in university events or activities. The restrictions include areas of campus that are open to the public such as the library, retail and residential dining facilities, university bookstore, Ilfeld Auditorium and university athletic facilities. Disciplinary expulsion appears on university transcripts.

Individuals expelled from the university may request to have their expulsion status reviewed for possible modification no less than five (5) years after the expulsion notice was issued and readmission is not guaranteed even after that

time. Such requests should be made in writing to the Dean of Students Office. Expelled individuals are also subject to admission requirements of the academic programs and units within the university in effect at the time of readmission.

Upon receipt of the request to review/modify expulsion status, the Dean of Students shall refer the matter to the Student Behavior Intervention and Support Team (which includes representatives from Campus Police, Housing and Student Conduct, Academic Support, HU CARES, and Mental Health Services) or a similar committee to review the request and materials submitted.

Materials submitted with requests for modification of disciplinary expulsion shall include:

- A written statement from the expelled individual that refers to the date and reasons disciplinary expulsion sanctions were issued and why the disciplinary expulsion should be modified;
- Documentation supporting the request to modify the expulsion sanction, such as official transcripts from other institutions demonstrating satisfactory academic progress and good disciplinary standing, commendations from employers, reference letters that demonstrate satisfactory behavior, etc.;
- Expulsion from the university is often a result of behavior that also constituted a violation of civil or criminal laws. In such cases, the expelled individual shall provide information related to how the case was adjudicated in a court of law;
- Expelled individuals shall include a written consent statement authorizing the university to conduct a criminal background check;
- Expelled individuals shall complete and submit an Authorization for Use or Disclosure Form provided by the university which authorizes New Mexico Highlands University to have access to information related to mental/behavioral health services received by the expelled individual.
- Expelled individuals shall consent to any mental/behavioral health evaluations requested by the university at the medical care provider of the University's choice. The university reserves the right to require an expelled individual to appear in person before the Student Behavior Intervention and Support Team or appointed committee reviewing the matter.

The committee shall make a recommendation to the university president. The president can accept, reject, or modify the committee's recommendation. The president's decision will be final and not appealable.

A decision shall be communicated to the expelled individual within thirty (30) working days of receipt of the committee's recommendation. Notice may also be provided to any complainants, victims, or university departments affected by the behavior which gave rise to the disciplinary expulsion.

Upon a successful appeal in which the individual is allowed to re-enroll at NMHU, the student's disciplinary status with the university will include automatic and indefinite disciplinary probation, in which the student must comply with all university regulations. Any further incident may result in permanent disciplinary expulsion from the university. NMHU also reserves the right to require the student to meet regularly with the Student Behavior Intervention and Support Team and to impose any disciplinary restrictions (from specified privileges, certain areas of campus, or from contacting specific individuals) deemed necessary to protect the health, safety, and quality educational environment of students, faculty, and staff.

If the decision involves no modifications or changes to the expulsion status, disciplinary expulsion will remain on the individual's transcript. If the expulsion status is modified and the individual is allowed to re-enroll at NMHU, disciplinary expulsion may be removed from the individual's transcript after two (2) semesters of satisfactory academic performance and good disciplinary standing or upon meeting all degree requirements. The decision to remove disciplinary expulsion from transcripts shall be made by the President of the University or his/her designee and communicated to the Registrar.

- **Emergency Suspension and/or Restrictions.** To protect the safety of the university community, it may be necessary to suspend a student(s) from class, campus facilities, university premises or university-sponsored functions, etc. The dean of students shall have the authority to immediately suspend and have removed from campus students who present an immediate threat to the health, safety or security of other students, faculty and employees of New Mexico Highlands University or to university property. Emergency removal may not exceed ten days, during which time the student must be given a disciplinary conference, as described below. An emergency suspension may only extend beyond ten days if the university president determines an extension is necessary to protect the health, safety of the university

community. In such circumstances, unless waived by the student, the Dean of Students/Office of Student Affairs shall develop a timetable for the procedures as described below in Section 7, so that the entire process is completed within 30 calendar days of the disciplinary conference.

f. List of all possible sanctions the institution may impose following the results of any disciplinary proceeding?

NMHU RESPONSE TO CHARGE FORM

Please read this notice carefully. You must submit this Response to Charge by completing the bottom section and returning this form to the Dean of Students Office, 261 Felix Martinez Building by the date indicated. (The enclosed copy is for your records). Failure to return the Response to Charge form by the following deadline will be considered to be an acceptance of the charges and recommended sanctions.

The deadline to submit the Response to Charge Form is _____.

INFORMATION:

Full name and Student Number

Address on File:

Telephone Number/Email:

NOTICE OF CHARGE:

NMHU Code of Conduct violation(s):

POSSIBLE SANCTIONS:

The sanctions (See Code of Conduct, Section 6) that *may be* considered and *may be* implemented in response to the violation(s) are:

- Disciplinary Reprimand _____
- Disciplinary Restrictions _____
- Restitution _____
- Disciplinary Probation _____
- Disciplinary Suspension _____
- Disciplinary Expulsion _____
- Expulsion from University Housing Facilities _____
- Emergency Suspension and/or Restrictions _____ ()
- Other Disciplinary Measures _____ ()

Response to Notice of Charge:

You must select one of the options below as your response to the charges above. Please indicate which option you are choosing by marking an X on the line in front of your preferred option.

- _____ 1. I admit to the charge(s) and accept the sanctions described above.
- _____ 2. I admit to the charge(s) but wish to meet with the Dean of Students or his designee to determine resulting disciplinary sanctions.
- _____ 3. I neither admit or deny the charges, and wish to meet with the Dean of Students or his designee to discuss the charge(s) and to determine the resulting disciplinary sanctions (if any).

Your signature below indicates that you have received a Notice of Charge(s), a Response to Charge(s) Form, and a copy of the NMHU Code of Conduct, which includes a description NMHU disciplinary procedures.

Signature: _____ Date: _____

g. Description of the range of protective measures that the institution may offer to the victim following an allegation?

In close **consultation** with HU CARES and NMHU Campus Police, the protective measures that NMHU may offer a victim following an allegation include:

- Administrative Orders of Protection (No Contact Order to the Responding Party) available on emergency- and permanent basis;
- Official Absence Notifications to instructors regarding missed classes due to extenuating circumstances;
- Accommodations may be offered regarding on-campus housing assignments;
- Academic accommodations may be offered, in consultation with faculty, regarding allowances to complete coursework remotely, as well as for extension of deadlines;
- Escorts by Campus Police;
- Safety Planning through HU CARES

2. *Statement that Proceedings will:*

a. Include a prompt, fair, an impartial process from the initial investigation to the final result?

NMHU 2014-15 Student Handbook (page 89) as well as <http://www.nmhu.edu/student-handbook/#Conduct>

Procedural Guideline

The essential safeguards for fair treatment will be provided for students charged with violating university regulations.

NMHU 2014-15 Student Handbook (page 94) as well as <http://www.nmhu.edu/student-handbook/#Conduct>

Student Grievance Procedure

Objective: To provide the timely review of student complaints of a violation of university policy or procedure, including claims of discrimination or harassment on the basis of sex, race, color, religion, national origin, age, ancestry, physical or mental disability, serious medical condition, spousal affiliation, sexual orientation, gender identity, veterans status, or any other basis prohibited by applicable law.

1. General Provisions

1.1 The university's Dean of Students/Office of Student Affairs will advise students using this grievance procedure by explaining policies and

procedures, providing objectivity to the process, assisting in preventing delays in the process.

1.3.4 Grievances will be handled with reasonable promptness in both the submission and the processing. If the grievant fails to act within the time limits provided herein, the university shall be deemed the grievance withdrawn. Time lines may be waived or otherwise established by mutual agreement of the parties or for other justifiable reasons, at the sole discretion of the Dean of Students/Office of Student Affairs.

2. *Statement that the proceedings will:*

b. Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability?

Currently our policies do not reflect this provision. In practice, the Dean of Students, whose responsibility it is to initiate the student disciplinary process, including investigations and sanctioning, has received annual training on issues related to dating violence, domestic violence, sexual assault and stalking, as well as how to conduct an investigation and hearing process through a federal discretionary grant from the Office of Violence Against Women. Plans are in place to provide training and technical assistance to the Student Affairs Committee of the Faculty Senate, the committee charged with hearing appeals involving disciplinary suspension or disciplinary expulsion.

2. *Statement that the proceedings will:*

c. Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice? NOTE: ADVISOR OF CHOICE: The institution may not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. The institution may, however, establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

NMHU 2014-15 Student Handbook (page 89) as well as <http://www.nmhu.edu/student-handbook/#Conduct>

This section will require amending the Student Handbook, Section 7. Procedural Guideline, subsection C. Disciplinary Conference, which currently states:

Within five working days of receipt of the Response to Charge, the Dean of Students shall schedule a disciplinary conference, if requested by the student. A disciplinary conference is a private meeting between the Dean of Students and/or a designee and the student, at which the student has an opportunity to respond to the charges against her or him.

Language moving forward will include the provision that students may bring an advisor to this informal meeting.

In contrast, the language pertinent to a disciplinary hearing, does include provisions for an advisor of choice:

NMHU 2014-15 Student Handbook (page 90) as well as <http://www.nmhu.edu/student-handbook/#Conduct>

Students have the right to the following:

- Bring one adviser to the hearing. The adviser, however, may only participate in providing advice. The adviser may not participate in the hearing itself, examinations or the presentation of information or materials to the hearing committee, unless asked to do so by the hearing committee. It is the responsibility of both parties to notify the adviser of the date, time, and place of the hearing. If an adviser fails to appear, the hearing shall take place in his or her absence.

Moreover, NMHU's Policy Statement Regarding the Prevention of and Response to Sex Offenses, Domestic Violence and Stalking (NMHU 2014-15 Student Handbook page 75 and <http://www.nmhu.edu/student-handbook/#Sex Offenses>) states:

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.

3. *States that the institution will simultaneously notify, in writing, both accuser and accused of:*
 - a. *The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking?*

NMHU's Policy Statement Regarding the Prevention of and Response to Sex Offenses, Domestic Violence and Stalking (NMHU 2014-15 Student Handbook page 76 and [http://www.nmhu.edu/student-handbook/#Sex Offenses](http://www.nmhu.edu/student-handbook/#Sex%20Offenses)) states:

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.

3. *States that the institution will simultaneously notify, in writing, both the accuser and the accused of:*
 - b. *The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available?*
 - c. *Any change to the result?*
 - d. *When such results become final?*

NMHU 2014-15 Student Handbook (page 89) as well as <http://www.nmhu.edu/student-handbook/#Conduct> states:

Procedural Guideline, Subsection D. Imposition of Discipline.

Within five working days of the disciplinary conference, or if no disciplinary conference was requested, within five working days of receipt of the Response to Charge, the dean of students shall provide the student with a written Notice of Disciplinary Action. If the disciplinary action taken is suspension or expulsion, the student has a right to a hearing prior to the discipline being imposed. If not, unless otherwise stated in the Notice of Disciplinary Action, the discipline takes effect immediately, is final, and not appealable.

NMHU 2014-15 Student Handbook (page 91) as well as <http://www.nmhu.edu/student-handbook/#Conduct> states:

The hearing committee shall deliberate following the hearing. Unless there is reasonable cause for delay, a written copy of the committee's recommendation and the record will be sent to the university president within five working days. The recommendation shall be copied to the student and the dean of students. The student may request a copy of the record, which will be provided at the student's expense.

The university president shall receive the recommendation of the hearing committee and may either accept it, modify it, or reject it. He or she shall notify the student, the dean of students and the hearing committee chairperson of his decision in writing. If the discipline imposed by the president is a suspension or expulsion, he or she shall also copy the registrar on his or her decision. The president's decision shall be final.

There is currently no language in policy outlining an appeals procedure for victims to appeal the result of an institutional disciplinary proceeding.

DISCLOSURE OF RESULTS OF DISCIPLINARY PROCEEDINGS POLICY STATEMENT

1. *Statement that, upon request, the institution will **disclose** the results of any disciplinary proceedings conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (statutory rape, incest) to:*
 - a. *the alleged victim?*

NMHU's Policy Statement Regarding the Prevention of and Response to Sex Offenses, Domestic Violence and Stalking (NMHU 2014-15 Student Handbook page 76 and [http://www.nmhu.edu/student-handbook/#Sex Offenses](http://www.nmhu.edu/student-handbook/#Sex%20Offenses)) states:

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.

- b. *Or next of kin, if the victim is deceased?*

There are no references in current policy pertinent to disclosures or notifications of the results of disciplinary proceedings to next of kin. This language will be added.

Security Awareness Programs Policy Statement – Building Security Check #4.03.1:

This policy is to create a constant method of checking buildings to locate security violations, property damage, burglaries, larcenies or any other illegal activity, hazardous conditions, identifying disabled doors, locks, windows, plumbing or any other condition that is hazardous to staff or that may be detrimental to the operation of NMHU.

It is the policy of the NMHU Police/Security department that security and police officers when assigned to conduct building and ground security checks follow the procedures in policy #4.03.1

We utilize:

- a. Blue Pole – hotline/security cameras with direct link to NMHU Police
- b. Security cameras – monitored at the police department with data collection at Information Technology Service and NMHU Police department
- c. Even security
- d. Work request to correct security equipment problems, lighting, equipment malfunctions, Blue pole and security cameras maintenance
- e. Fire alarms

Crime Prevention Programs Policy Statement

NMHU Police department mission is crime prevention. Every policy that is published is a crime prevention tool.

We are involved with every department so that they all can be the eyes and ears and a tremendous reporting system to the police.

We work closely with:

- a. HU CARES – who provides training and awareness
- b. Dean of Students Office – we work closely with this office to provide reports documented of all criminal and misconduct incidents
NOTE: NMHU Police/Security has an investigator assigned to the Dean of Students office to assist him/her in areas of criminal or misconduct behavior.
- c. NMHU Police/Security is on the following committees to screen students, faculty or staff who have a history of misconduct.
- d. Application screening of student with history of criminal prosecution or misconduct
- e. Behavioral Intervention Program
- f. Threat Assessment Team
- g. Alcohol on campus review committee.
- h. Event application to screen all event requests through Campus Life, to ensure that these events are legal and that we can provide security to ensure a safe and successful event. These events can be NMHU sanctioned or events from the public who are not a general part of university operation.

- i. Group Management coordinated by the FBI Behavioral Unit to train us on how to recognize individuals who may be a threat to NMHU and can be brought into the Behavioral Intervention Program before they commit horrific crimes such as shooters and bombings where the devastation in loss of life, serious injury and great property damage can possibly be prevented before it happens.

Drug, Alcohol and Substance Abuse Policy (Enforcement Statement):

The NMHU Police/Security department will investigate and enforce narcotics (to include alcohol) and dangerous drug violations at all levels. Vigorous enforcement enforces the quality of life on campus reducing drug trafficking and related crimes through a cooperative effort. Police 3.32.1 outlines the responsibilities of all officers enforcing drugs (includes alcohol)/narcotics laws and offers specific guidance on handling criminal investigation and narcotics evidence.

The purpose is to provide guidelines regarding narcotics and dangerous drug cases. NOTE: it is a known fact that the greater percentage of alcohol or drug addicted individuals will not seek help. Our hope is to identify these individuals and stop the action either by addiction treatment programs, 12 step programs or incarceration. Incarceration is the last resort and should be for only violent addicts that are a danger to themselves or others.

NMHU Police/Security will enforce all the state, city and federal laws.

We are a member of the Region IV Drug Task Force, (Police departments from Northeast part of New Mexico, banded together to enforce drug trafficking in Region IV: San Miguel, Mora, Union, Colfax, and Harding counties).

This operation is operated on by-laws, Joint Powers Agreement, NM Department of Public Safety, DEA and FBI.

NMHU is a drug-free school and has a policy:

NMHU Policies/Procedures, Policy 425 – Example of infraction:

- Violation of University policies
- Violation of State or Federal laws
- Unlawful use of/and possession of a controlled substance while on NMHU properties
- Drinking alcohol or being under the influence of alcohol during working hours

Dean of Students Office:

Code of Conduct Student Handbook – published by the Dean of Students office annually and made accessible to all student, faculty and staff.

Alcohol, Tobacco and other Drug policies:***Alcohol policy:***

The university is committed to establishing and maintaining an environment that fosters mutually beneficial interpersonal relations and a shared responsibility for the welfare and safety of others.

1. The acquisition, distribution, possession, or consumption of alcohol by members of the NMHU community must be in compliance with all local, state and federal laws.
2. Non-alcoholic beverages must be provided at events where alcoholic beverages are served.

Tobacco Use Policy:

In compliance with the NM Clean Indoor Act, as amended, smoking of tobacco products and e-cigarettes is prohibited in university buildings, facilities and vehicles. Smoking is allowed only in designated areas.

The Smoking Policy stipulates:

- Smoking is prohibited except in designated areas. Those areas will be well posted and will not be near air conditioning or other ventilation systems that can carry the smoke to other sites.
- Ashtrays are provided in smoking sites
- Smoking is prohibited in university vehicles
- Smoking is prohibited within 25 feet of any building
- Smoking is prohibited near windows or air intakes
- Smokeless tobacco is prohibited in university buildings, facilities and vehicles

This policy applies to all university visitors, students, and employees. It is the responsibility of every member of the university community to conduct himself or herself in compliance with this policy.

Enforcement is the shared responsibility of the entire campus. The success of this policy depends upon the courtesy, respect and cooperation of smokers and nonsmokers of the NMHU community.

Alcohol and illegal drugs:

NMHU is committed to maintain an environment of teaching and learning that is free of illicit drugs and alcohol.

The university has in place a policy to assist those with substance abuse, and a list of agencies available to support faculty, staff and students.

The ***Drug-Free Schools and Communities Act Amendments of 1989*** require that NMHU as a recipient of federal funds including federally provided student financial aid, notify its students and employees annually that the unlawful possession, use or distribution of illicit drugs and alcohol on university property is prohibited.

In compliance with the requirements of the Drug Free Schools and Communities Act Amendments of 1989, all students and employees of NMHU are notified of the following:

1. The unlawful **possession, use and distribution** of illicit drugs and alcohol on the university campus or during university-sponsored activities are prohibited.
2. Students and employees who are found to be in violation of this stated prohibition may be subject to arrest and conviction under the applicable criminal laws of local municipalities, the State of New Mexico, or the United States. Convictions can result in sanctions including probation, fine and imprisonment.
3. Students who are found to be in violation of this stated prohibition are subject to discipline in accordance with the procedures of the Student Conduct System. Discipline may include disciplinary probation or dismissal from the university.

In addition to the above requirements, and in accordance with the requirements of the **Drug-Free Workplace Act of 1988**, all employees are notified that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by university employees on university premises or off our premises while conducting university business is prohibited. Violation of this policy will result in disciplinary action, up to and including termination and may have further legal consequences.

New Mexico State Laws

The legal drinking age in New Mexico is 21. If you are under 21, it is illegal to:

1. Have in your personal possession any alcoholic beverages
2. Misrepresent your age for purpose of obtaining alcoholic beverages
3. Drive in a car having alcoholic beverages except when accompanied by a parent, guardian, or spouse 21 years of age
4. Be in an area where alcoholic beverages are served unless accompanied by persons 21 years of age
5. Be intoxicated by consumption of an alcoholic beverage (alcohol concentration of .02 or more is evidence of intoxication)

Penalties include fines and/or jail sentences.

It is illegal for anyone to (Distribution):

1. Sell, give away or procure alcoholic beverages to a minor or individual who is intoxicated
2. Charge for alcoholic beverages without a license
3. Manufacture, sell, possess or use a falsified ID
4. To lend a driver's license to be used for unlawful purpose

Penalties include fines and/or jail sentences.

Driving While Intoxicated (DWI) and Driving Under the Influence (DUI):

If you have been charged with refusal to submit to a breath or blood test, or if you provided a breath sample with a B.A.C of .08 or higher if over 21 years of age, or .04 or higher of driving a commercial vehicle, or .02 or higher if under 21 years of age, your driver's license or privilege to drive will be revoked 20 days after your arrest, unless you make a written request for a hearing within ten (10) days of your arrest.

Unlawful Possession:

An alcohol offense that applies specifically to individuals age 18-21 is the prohibition in the Liquor Control Act commonly known as "minor in possession". 60-7B-1 as used in the Liquor Control Act, "minor" means a person under age 21. Section 60-7B-1 © makes it illegal for minors to buy, attempt to buy, receive, possess or permit themselves to be served with alcoholic beverages. This offense is a misdemeanor.

Off-campus resources:

- Emergency medical services: 911
- Poison control: 800-222-1222
- Alcohol and drug treatment help and referral network: 800-996-DRUG (800-996-3784)
- Narcotics anonymous: 800-777-1515
- National cocaine hotline: 1-800-COCAINE (800-262-2463)
- National institute on drug abuse/treatment hotline: 800-662-4357
- AIDS information hotline: 800-342-AIDS (800-342-2437)
- National STD hotline: 800-227-8922
- Federal drug, alcohol and crime clearinghouse network: 800-788-2800
- AGORA crisis center: 505-277-3013

Las Vegas

- Alcoholics anonymous: 505-425-3577
- San Miguel County DWI council: 505-425-7998
- Tri-County Family Justice Center of Northern New Mexico: 575-718-7300
- Crisis lines: 866-575-7233
- San Miguel/Mora community based services: 505-454-5100
- Crisis line: 505-425-1048
- Alta Vista Regional Hospital: 505-426-3500, ER: 505-426-3502
- Las Vegas STAT Care (Urgent Care Center – after hours): 505-425-6283
- Las Vegas Quick Care (Urgent Care Center): 505-454-1109

Farmington

- Alcoholics Anonymous: 505-266-1900
- Presbyterian medical Services: 505-564-4804
- Community counseling center: 505-325-0238
- Davis, Rosalie LPCC: 505-881-0404

Santa Fe

- Alcoholics anonymous: 505-982-8932
- Santa Fe Rape Crisis Center: 800-721-7273/505-988-1951
- The Santa Fe Recovery center: 505-471-4475

Rio Rancho

- Alcoholics anonymous: 505-292-1067
- Sunrise Counseling Services: 505-891-1101
- Realistic counseling Services: 505-220-0325

Residential Halls/Campus Apartments Policies on alcohol, Drugs and other substances; published by NMHU Housing Director annually. Titled: Department of Housing and Student Conduct Living on Campus Policies and Procedures.

Alcohol, drugs and other substances:

(Please read code of Student Conduct: 5A)

NMHU's police regarding the possession and consumption of alcohol and other drugs on campus was developed in keeping with New Mexico State Law. It is important to note that a majority of disciplinary problems and a large number of academic problems faces by students are alcohol related. The following is a list of points that summarize enforcement of the alcohol and drug police in the residence halls:

- Alcohol is not permitted in any NMHU residence hall
- Residents may not possess or consume alcohol in a substance-free residence hall
- Residents age 21 and older may not furnish alcohol to minors (under legal drinking age)
- Resident who come back to the residence halls in an intoxicated state and/or violate hall policy, will be held accountable for violating those policies and all alcohol policies that apply

Missing Student Notification Policy Statement:

NMHU Police/Security Department

People are reported missing for many reasons: some people leave home voluntarily for personal reasons: some missing person's reports are unfounded; and some people may disappear for unexplained reasons, but under suspicious circumstances.

Policy/Procedures:

1. If any person believes or receives notice that an NMHU student has been missing, the person must immediately make a report to Campus Police at 505-45-3278

The role of the responding officer, however, is critical in identifying the circumstances surrounding missing persons and in identifying persons at risk. Each officer shall conduct thorough investigations of missing persons, with particular care in instances involving missing children and in our case students and those who through mental or physical impairment cannot care for themselves. Police officers shall prepare necessary reports and make the appropriate National Crime Information Center (NCIC) entries as soon as possible especially reports that indicate that foul play is involved.

Our policy does not dictate waiting 24 hours to report missing persons; especially in cases, such as children abduction, there is already previous reports that the missing person is mentally ill or a danger to him/herself or others.

Each communications specialist shall insure that the missing/wanted entry contains accurate and complete information and shall avoid unnecessary delays.

NMHU Police/Security department has a contract with the NM State Police that authorizes the reporting of Amber Alerts and missing persons through their NCIC entries system.

The Student Handbook published by the Dean of Students office in the Policy Statement. The handbook is published annually and is disseminated through-out campus.

Policy Statement:

In compliance with the **Missing Student Procedures 20 USC 1092 (j) (Section 488 of the Higher Education Opportunity Act of 2008)**, it is the policy of NMHU to investigate any report of a missing student who resides on-campus at NMHU.

This policy, with its accompanying procedures, establishes a framework for cooperation among members of the university community aimed at locating and assisting students who are reported missing. This policy extends to student of the university who do not reside on-campus (including NMHU Centers) to the extent that it involves cooperating with all local law enforcement agencies and sets forth parameters for communicating with third-parties as allowed under the Family Educational Rights and Privacy Act and the Higher Education Opportunity Act.

A student shall be deemed missing when he or she is reported absent from the University for more than 24 hours without any known reason. All reports of missing students shall be directed to NMHU Campus Police, which shall investigate each report and make a determination whether the student is missing in accordance with this policy and guideline statutes.

For a student who resides on the main campus, if a member of the university community has reason to believe that a student is missing, he or she must immediately notify Campus Police at 505-454-3278. Campus Police shall generate a missing person report and initiate an investigation, and if the person is

determined to be missing, will initiate the required notifications as per federal and state laws.

At any of the university statewide centers, or for a student enrolled at the main campus but living off campus, if a member of the university community has reason to believe that a student is missing, he or she should immediately notify a local law enforcement agency (such as local police and campus security/police departments of partnering institutions), followed by an alert to the NMHU Campus Police.

Reason for Policy/Purpose:

Federal law requires that the University establish a policy on reporting a student missing from on-campus student housing, how students can designate a missing person contact person, and how the missing person contact information will be used.

Who approved this policy:

NMHU Board of Regents

Who needs to know this policy:

NMHU faculty, staff and students

Contacts:

If you have any questions on the police or procedure for Missing Students, you may:

1. Call Campus Police at 505-454-3278
2. Call the Dean of Students Office at 505-454-3020

Annual Crime Statistics

During the past three years, the following crimes and arrests were recorded by the NMHU Police Department:

Reported Crimes	On Campus			Residence Hall			Non-Campus			Public Property		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Clery Crimes Reported												
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Non-Neg. Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	3	1	0	2	1		0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Auto Theft	0	2	2	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	5	1	4	2	0	0	0	0	0	0	0	0
Forcible Sex Offenses*	1	1	4	1	1	4	0	0	0	0	0	0
Non-forcible Sex Offenses*	0	0	1	0	0	1	0	1	0	0	0	0
Domestic Violence*	4	0	0	0	1	0	3	2	2	0	0	0
Dating Violence*	1	1	0	0	0	0	1	1	0	0	0	0
Stalking*	3	1	3	0	0	0	1	1	0	0	0	1
Sexual Harassment*	0	6	0	0	4	0	1	1	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Arrests												
Liquor Laws	0	0	0	0	0	0	0	0	0	0	0	0
Drug Laws	0	0	1	0	0	0	0	0	0	0	0	0
Weapons Laws	0	0	0	0	0	0	0	0	0	0	0	0
Refferrals												
Liquor Laws	12	7	23	5	7	22	0	0	0	0	0	0
Drug Laws	14	16	18	10	16	18	0	0	0	0	0	0
Weapons Laws	1	1	0	1	1	0	0	0	0	0	0	0

*Violence Against Women Reauthorization Act of 2013 crimes

Hate Crimes	Race			Gender			Sexual Orientation			Ethnicity			Disability			Religion		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Crime Category																		
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Neg. Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Auto Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offen.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-forc. Sex Offen.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime w/injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0