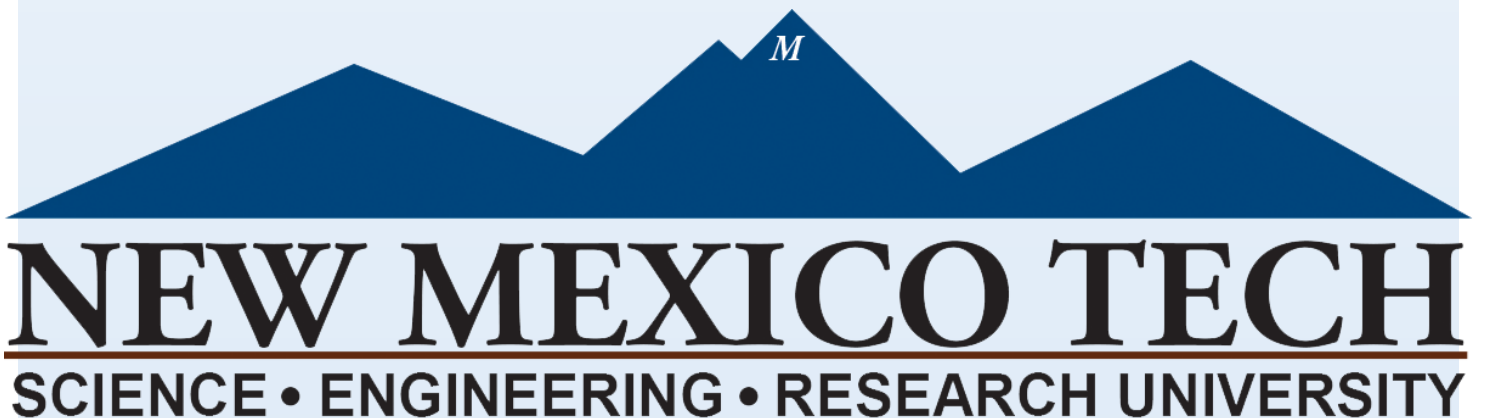


**2022**

**Annual Security  
and Fire Safety Report**



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## A MESSAGE FROM THE CHIEF OF POLICE

I am pleased to present the 2022 New Mexico Tech Annual Security and Fire Safety Report. This report is prepared by the New Mexico Tech Police Department and is updated and disseminated throughout campus each year by October 1st.

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

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

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

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

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



# ANNUAL SECURITY AND FIRE SAFETY REPORT

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

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

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



# NEW MEXICO TECH POLICE DEPARTMENT

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

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

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

## Contact Campus Police

### **Emergency:**

ext. 5555 or 911 (campus phones)

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

### **Non-Emergency:**

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

Ext. 5434 or "0" (on campus)

### **Dispatch:**

[dispatcher@nmt.edu](mailto:dispatcher@nmt.edu)

### **Physical Address:**

*New Mexico Tech Police Department  
Student Activity Center Building  
606 Navajo Loop  
Socorro, NM 87801*

# NMT POLICE DEPT. SERVICES

## NMTPD PRIMARY SERVICES

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

## NMTPD ADDITIONAL SERVICES

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



# NEW MEXICO TECH POLICE DEPARTMENT

## JURISDICTION & OTHER LAW ENFORCEMENT AGENCIES

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

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

The majority of our sworn-officers are cross-commissioned by the sheriff of Socorro County which gives them jurisdiction anywhere in Socorro County in addition to New Mexico Tech property.

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

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





# REPORTING A CRIME OR EMERGENCY

## How to Report a Crime or Emergency:

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

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

The NMT Police Department operates emergency and law-enforcement services 24 hours a day and seven days per week regardless of NMT Holidays, closures and delays.

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

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

## WHEN TO CALL 911 OR 5555 AND REPORT AN EMERGENCY

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



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

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

# REPORTING A CRIME OR EMERGENCY

## Voluntary, Confidential Reporting

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

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

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

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

## Pastoral & Professional Counselors

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

# REPORTING A CRIME OR EMERGENCY

## Campus Security Authorities

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

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

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

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

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

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

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

# REPORTING A CRIME OR EMERGENCY

## Obtaining Copies of Police Reports from NMT Police Department

Copies of police reports may be obtained from the New Mexico Tech Police Department during normal business hours. These hours are Monday through Friday, from 8 a.m. to 5 p.m., excluding holidays, campus closures and delays. There is currently no fees for copies of police reports and documents. Individuals wishing to obtain a copy of a police report must complete their request to the Police Records Division by calling **575.835.5434** or emailing the New Mexico Tech custodian of records at [foi@nmt.edu](mailto:foi@nmt.edu)

### Contact Campus Police

#### Emergency:

ext. 5555 or 911 (campus phones)

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

#### Non-Emergency:

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

Ext. 5434 or "0" (campus phones)

#### Dispatch:

[dispatcher@nmt.edu](mailto:dispatcher@nmt.edu)

#### Physical Address:

*New Mexico Tech Police Department  
Student Activity Center Building  
606 Navajo Loop  
Socorro, NM 87801*



# STUDENT HANDBOOK & CODE OF CONDUCT

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

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

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



# MASS NOTIFICATION SYSTEMS

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

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

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

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

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

# MASS NOTIFICATION SYSTEMS

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

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

## Enrolling in Rave Alerts

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

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

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



# TIMELY WARNINGS

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

## **What is a Timely Warning Notice?**

In order to keep the campus community informed about safety and security issues on an on-going basis, the NMT System must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These Timely Warning Notices should be issued as soon as pertinent information is available regarding Clery Act reportable offenses that represent a serious or continuing threat when reported to a Campus Security Authority (CSA), local law enforcement, or NMT Police Department law enforcement personnel that occurred in the Clery Act reportable geographic areas.

## **When shall a Timely Warning be issued?**

New Mexico Tech will determine the need for a timely warning notice and employ the appropriate communication methods to notify the campus community of an ongoing criminal threat immediately. For all campus emergency and law enforcement issues, the NMT Police Dept. will be primarily responsible for confirming a significant public safety situation on campus. This information will be conveyed to appropriate dispatchers and communications services without unnecessary delay. NMT Police Dept. has the discretion to activate mass notification systems regarding New Mexico Tech campus. Mass notification systems will be updated concerning all significant incidents as information becomes available. Each incident or series of incidents will be evaluated based upon the totality of the circumstances surrounding pertinent information that is available at the time.



# TIMELY WARNINGS

## When shall a Timely Warning be issued?

The following is criteria that may increase the likelihood that a timely warning notice will be issued to the campus community:

- A recognized pattern or continuation of criminal activity has been identified regarding Clery Act reportable crimes within our geographic area.
- A violent Clery Act reportable offense in which the suspect is still at large and represents a serious or continuing threat to students and employees of the New Mexico Tech campus.

The following is criteria that may decrease the likelihood that a timely warning notice will be issued to the campus community:

- Delayed report of a Clery Act reportable crime that does not further establish a pattern or continuation of criminal activity.
- Report of a Clery Act reportable crime that a reasonable person would believe no longer represents a serious or continuing threat to students or employees.
- No pattern or continuation of criminal activity regarding non-violent Clery Act reportable crimes such as burglary or motor vehicle theft.
- Suspect involved in the Clery Act reportable crime has been arrested without unnecessary delay and has been given criminal trespass warnings from the New Mexico Tech Campus.
- Suspect involved in the Clery Act reportable crime has been placed into custody without unnecessary delay with a detainer from Immigration and Customs Enforcement or any other entity operating under the auspices of the United States Department of Homeland Security.
- Suspect has been given interim sanctions in the form of interim suspension which involve criminal trespass warnings.

Each Clery Act reportable offense will be evaluated on a case by case.

# TIMELY WARNINGS

## Dissemination of Information

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

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

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

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

## Content of a Timely Notice

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

# EMERGENCY NOTIFICATIONS

## Emergency Notifications

Emergency Notifications will be issued for non-criminal situations that concern campus safety. Emergency situations such as severe weather, suspicious packages with confirmation of a device, fire, or suspicious death, may require the need to provide information to students, staff, and faculty on recommended actions to take and where to proceed. This information will allow students to stay safe and keep out of harm's way as a situation develops, or to stay clear of an incident scene.

## What is an Emergency Notification?

New Mexico Tech will notify the campus community upon confirmation of a significant emergency or dangerous situation involving immediate threat to the health or safety of students, faculty, or staff occurring on campus. New Mexico Tech will provide adequate follow-up information to the campus community as needed. Emergency notifications (immediate notifications) are different from timely warning notices and may or may not involve criminal activity. Such notification may include, but are not limited to:

- An active shooter on campus
- Hostage/Barricaded Subject Situation
- Riot
- A Tornado Warning
- Explosion
- Hazardous Materials Spill

## NOTIFICATIONS—DRILLS AND EXERCISES

**NMT Rave Alerts** are not reserved for emergency notifications. Important University information may be sent out on the NMT Alert system such as University closures. This is done to ensure the systems messaging capabilities are operational and tested. The NMT Emergency Response Team will exercise the emergency response plan by seminar, tabletop exercise, drill, functional exercise, or full scale exercise. An after action meeting will take place following an exercise to identify areas for improvement, strengths and any corrective actions to be taken.



# EMERGENCY PREPAREDNESS

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

For more information about emergency preparedness policies, visit:

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



# EVACUATIONS

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



# CAMPUS SECURITY AND SAFETY

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

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

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

# CAMPUS SECURITY AND SAFETY

## Student Residence Halls

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

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

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

### Contact Residential Life

**Phone:** 575-835-5900

**Fax:** 575-835-5907

**Email:** [Residential\\_Life@nmt.edu](mailto:Residential_Life@nmt.edu)

**Office Hours:** Monday through Friday 8am-5pm





# CAMPUS SECURITY AND SAFETY

## Non-Residential Buildings

Our campus has academic, office, storage, and research buildings. Burglars or other individual's intent on crime may target these structures. Although almost all of these buildings can be accessed by key after business hours, many are locked and alarmed after 5 p.m. It is essential that students, faculty, and staff cooperate to keep closed facilities locked. To ensure that unauthorized individuals do not enter campus buildings, **do not** prop doors open or leave doors unlocked if you enter after hours. **Do** remember to ensure the door you entered completely secured after your entry and that the locking device was re-engaged. **Do not** open the door for individuals you do not know. In addition, protect the security of campus keys by reporting the loss or theft of keys to the New Mexico Tech Campus Police Key Control Office at **575.835.5435** and to the NMTPD at **575.835.5434**.



# CAMPUS SECURITY AND SAFETY

## Daily Crime Log

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

## Clery Basics – Crime Log

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### Daily Crime Log

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

Figure 7. Sample Daily Crime Log With Required Elements

Daily Crime Log Calendar Year 2010					
Nature (classification)	Case Number	Date/Time Reported	Date/Time Occurred	General Location	Disposition
Larceny	2010-0003	01/20/10 1505hrs	01/10/10 0800hrs	Admin. Building	Closed 05/24/10
Vandalism	2010-00010	01/27/10 1231hrs	01/17 - 01/22/10	Jacobson Hall	Closed 05/24/10
Vandalism	2010-00035	04/12/10 1937hrs	04/12/10 1930hrs	Lester Hall	Open
Liquor Law Violation	2010-0040	04/23/10 0300hrs	04/23/10 0300hrs	South Parking Lot	Judicial Referral

# CAMPUS SECURITY AND SAFETY

## Crime Prevention and Awareness

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



# CAMPUS SECURITY AND SAFETY

## Protect Yourself Through Prevention

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

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

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

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

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

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

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

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

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

# CAMPUS SECURITY AND SAFETY

## Protecting Your Possessions at Home

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

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

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

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

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

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

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

# CAMPUS SECURITY AND SAFETY

## Rules for Safety and Security in Student Residence Halls

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

**Do not** let strangers into the building as your guests .

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

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

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

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

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

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

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

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

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

**Do not pick up hitchhikers** and do not hitchhike.

# CAMPUS SECURITY AND SAFETY

## In Public Areas

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

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

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

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

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

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

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

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

# MISSING STUDENT NOTIFICATION POLICY

## **Missing Student Notification & Response Policy:**

### **Effective January 10, 2015.**

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

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

### **Registering confidential contact information:**

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

### **If a resident may be missing:**

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



## MISSING STUDENT NOTIFICATION POLICY (CONT)

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

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

- Notifying other local law enforcement agencies
- Attempting to reach the student via phone, e-mail, social media or other means of electronic communication
- Contacting roommates, friends, teachers and acquaintances for any additional information that might help locate the missing student
- Conducting a search of the missing student's room or apartment, coordinated by Residential Life and/or Campus Police
- Conducting a general campus search, coordinated by Campus Police

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

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

# MISSING STUDENT NOTIFICATION POLICY (CONT)

## **Procedures for reporting any missing person ON campus:**

A New Mexico Tech employee, student or other member of the college community receiving information regarding any alleged missing person should immediately report it to Campus Police by calling 575-835-5434 or by contacting the department in person at the Student Activities Center (SAC). Any person reported as missing to New Mexico Tech Police will be reported to the National Crime Information Center (NCIC) within two hours of a police officer deeming the person to be missing.

## **Procedures for reporting any missing student/person OFF campus:**

Please Call:

- 911
- Socorro City Police: 575-835-4222;
- Socorro County Sheriff: 575-835-0941/575-835-0741; or
- New Mexico State Police: District 11-Socorro 575-835-0741



# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY



## **Sexual Misconduct Policy**

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

**Campus-wide Administrative Policy**

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

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

**Responsible University Office:**

- Office of the President

**Effective Date:** 3/21/2019

**Date Revised:**

**Policy Owner(s):**

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

**Policy contact(s):**

- Title IX Coordinator

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# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

## I. Policy Statements

- A. New Mexico Institute of Mining and Technology (New Mexico Tech or the “University”) is committed to a healthy and safe learning, living, and working environment which promotes responsibility, dignity, and respect for all persons. New Mexico Tech prohibits all forms of discrimination, however this policy specifically relates to discrimination on the basis of sex (including gender, sex stereotyping, gender expression, and gender identity). Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination. Sex discrimination is a violation of Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; and the New Mexico Human Rights Act, NMSA 1978, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14. Sexual harassment, sexual violence/assault, intimate partner violence, stalking, and all forms of sex/gender-based discrimination as defined below in Sections III. are strictly prohibited and will not be tolerated.
- B. In this policy and its associated procedures, the University utilizes the term sexual misconduct to collectively apply to all forms of sexual harassment, sexual assault, sexual violence, intimate partner violence, stalking, and any Title IX offenses, as well as the other terms and violations defined below in Section III.
- C. All University members are prohibited from engaging in, or assisting or abetting another’s engagement in sexual misconduct, intimate partner violence, stalking, and related retaliation (collectively “prohibited conduct”).
- D. This policy applies to University members, who include:
  1. University students, whether enrolled full time or part time, for credit or non-credit courses;
  2. University employees and
  3. third parties who are engaged in any University activity or program, or who are otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors, and guests.
- E. This policy applies to all forms of gender-based discrimination/sexual misconduct as well as stalking, intimate partner violence, and related retaliation committed by or against students, employees, and third parties when:
  1. the conduct occurs on University property;
  2. the conduct occurs in the context of a University employment or an education program or activity, including, but not limited to, University-sponsored academic, extracurricular (e.g. athletics/club sports), study abroad, research, on-line or internship programs or activities;
  3. the conduct occurs off University property and outside the context of a University employment or education program or activity, but has a continuing adverse effect on or creates a hostile environment for students, employees, or third parties while on University property or in any University employment or education program or activity; or
  4. the conduct indicates that the respondent (accused) may present a danger or threat to the health or safety of University members.
- F. This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.
- G. This policy also includes information for students and employees on resources available following an act of sexual misconduct, New Mexico Tech responses, prevention and interim measures, the disciplinary process, possible disciplinary sanctions, and the University’s requirement to collect and report general associate statistics in accordance to the Clery Act. Any

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

individual who believes that they have been subjected to sexual misconduct or gender-based discrimination, is strongly encouraged to report the incident(s) to the police department; victim survivor assistance; and/or internally with New Mexico Tech. New Mexico Tech officials can help stop the unwelcome behavior, remedy/resolve the situation with discipline, preventative, and interim measures, and recommend other related support services.

- H. University employees must report incidents of assault or abuse of a child (i.e. under age 18) that they know about or have reason to believe is occurring or occurred to the police. Those incidents that occurred on University property or at University-sponsored activities must be reported to the Title IX Coordinator and the New Mexico Tech Campus Police.
- I. Almost all New Mexico Tech employees have been designated “Responsible Employees” as defined by the U.S. Department of Education’s Office of Civil Rights. These responsible employees (University administrators, supervisors, faculty, teaching assistants, and other professional staff, including resident assistants) are therefore obligated to report any known or perceived sexual misconduct or sexual/gender-based discrimination to our designated [Title IX Coordinator](#) even if little information is known (see FREQUENTLY ASKED QUESTIONS section for more details). To the extent possible, information reported to a responsible employee will be communicated with the Title IX Coordinator within 24-hours. These responsible employees and the Title IX Coordinator will not share personally identifiable information with New Mexico Tech Campus Police or other law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement. Supervisors and Human Resources representatives must report sexual harassment or other forms of sexual misconduct directed at University employees or third parties to the campus Title IX office.

Other University employees are encouraged to report sexual harassment directed at University employees or third parties to the campus Title IX office, or their supervisor or a Human Resources representative. However, this reporting is not required.

- J. The New Mexico Tech campus has counseling and medical staff (see Section IX.A. below) who can maintain confidentiality except in incidents involving minors. In addition to providing needed care, these confidential employees can review options with the victim/survivor (i.e. complainants) regarding their rights, support mechanisms, accommodations/ interim protective measures, and legal and campus disciplinary steps.
- K. Concurrently, the University complies with all related local, state, and federal laws including the Campus Sexual Violence Elimination Act (“Campus SaVE Act”) amending the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), which is a federal law that requires colleges and universities to have procedures in place to respond to incidents. As mentioned above, New Mexico Tech also complies with Title IX of the Education Amendments of 1972 (Title IX), which is a federal civil rights law that prohibits discrimination on the basis of sex (including gender, sex stereotyping, and gender identity) in federally funded education programs and activities. Sexual harassment, sexual assault, and intimate partner violence are forms of sex and gender-based discrimination prohibited by Title IX and New Mexico Tech.
- L. It is a violation of Title IX and University policy to retaliate against any person who makes a complaint or report of sexual misconduct or testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual violence or sexual misconduct. Concerns that a student or employee has threatened to retaliate or has retaliated against another student or employee should be reported promptly to the Title IX Coordinator or Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC) director. An employee or student who

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

retaliates against a person who makes a complaint of sexual misconduct, testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual misconduct, or seeks assistance from the Title IX Coordinator or AA/EEOC director may be subject to disciplinary action. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled.

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

## II. Terms (Alphabetized)

- A. **Affirmative Consent:** *Affirmative consent* is affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication about one's intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear his or her willingness to continue at each progression of the sexual interaction. This definition of consent does not vary based upon an individual's sex, sexual orientation, gender identity, or gender expression.

The following factors will be considered when determining whether affirmative consent was given.

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

Consent is not obtained where:

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

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

Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. The University examines the record for other behavior like stumbling or otherwise exhibiting loss of equilibrium; slurred speech or word confusion; bloodshot, glassy or unfocused eyes; vomiting, especially repeatedly; being disoriented, or confused as to time or place; or loss of consciousness. Should the evidence in the record demonstrate that one or more such behaviors were objectively apparent at the time the alleged unconsented-to or unwelcomed sexual activity occurred, then the evidence may demonstrate that the respondent knew or should have known that the complainant was incapable of giving meaningful consent to sexual activity due to incapacitation (e.g. intoxication). If the person initiating the sexual activity is also under the influence of alcohol or drugs, that does not diminish their responsibility to obtain affirmative consent, and is not a defense to charges of violation of this policy. Because it may be difficult to discern whether a sexual partner is incapacitated, it is better to err on the side of caution and assume that your partner is incapacitated and unable to give consent to the sexual activity.

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

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

\*See Appendices: [Determining Consent](#) for further guidance.

- B. **Complainant:** *Complainant* shall mean the individual who was allegedly subjected to the sexual misconduct. Throughout this policy, its related documents, and in other New Mexico Tech policies, the complainant may be referred to as the reporting party or impacted individual. Some advocates and other entities may also refer to the complainant as the victim or survivor.
- C. **Incapacitation:** *Incapacitation* is the physical and/or mental inability to make informed rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where an intoxicant is involved, incapacitation is a state of intoxication where the intoxicant



# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

consumed impairs a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

- D. **Intimate Partner Violence:** *Intimate Partner Violence* shall mean the University's term that encompasses relationship violence, domestic violence, domestic abuse, and date violence that includes physical, sexual, or psychological harm as defined below in Sections III. below, as well as under the Student Code of Conduct within [Student Handbook](#) and [Employee Handbook](#).
- E. **Prohibited Conduct:** *Prohibited Conduct* is the collective term utilized by the University referring to behaviors that all University employees and students are prohibited from engaging in, or assisting or abetting another's engagement in, such as sexual misconduct, intimate partner violence, stalking, harassment, discrimination, and related retaliation.
- F. **Respondent:** *Respondent* shall mean the individual reported to have allegedly committed the sexual violence or sexual misconduct. Throughout this policy, its related documents, and in other New Mexico Tech policies, the respondent may also be referred to as the accused or perpetrator.
- G. **Retaliation:** *Retaliation* is any form of intimidation, reprisal or harassment against an individual because the individual has made a report of sexual misconduct or has participated in an investigation of sexual misconduct by or of an University community member including:
  - 1. firing, refusing to hire, or refusing to promote the individual;
  - 2. departing from any customary employment or academic practice regarding the individual;
  - 3. transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status;
  - 4. informing another student, staff or faculty member who does not have a need to know that the individual has made a complaint or participated in an investigation of a complaint of sexual misconduct; and
  - 5. impeding the individual's academic advancement in any University activity or program.In order for a behavior to be retaliation, the negative action must have been taken because of the report or participation in the investigation.
- H. **Sexual Misconduct:** *Sexual misconduct* shall mean the University's comprehensive term for any form of sexual harassment, sexual violence/assault, stalking, and intimate partner violence as defined in this section and violations outlined in Section IV. below. This can be any Title IX offense or any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person. It can also be actual, attempted or threatened sexual contact with another person without that person's consent.
- I. **Standard of Evidence:** *Standard of evidence* is the degree of certainty required to establish a violation has occurred. New Mexico Tech utilizes the clear and convincing standard of evidence for resolving complaints under this policy. In the clear and convincing evidence standard the degree of certainty is that it is substantially more likely to be true than untrue; highly probable. This is a more stringent standard than a preponderance of the evidences standard but less stringent than a beyond a reasonable doubt standards.
- J. **Title IX:** *Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et. Seq., with implementing regulations, 34 C.F.R. Part 10*, is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, sexual assault and other forms of sexual misconduct are considered sexual discrimination under federal law, all of which interfere with a student's right to receive an education free from discrimination or an employee's right to a discrimination-free work environment. According to Title IX, "No person in the United States shall, on the basis of sex, be

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

- K. **University Property:** *University property* shall mean all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, either solely or in conjunction with another entity.
- L. **University-Sponsored Activities:** *University-sponsored activities* shall mean any program or event sponsored by the University, including but not limited to those sponsored by student groups.

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

- A. **Dating violence:** under New Mexico’s Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship. Under the Violence Against Women Act of 2013 (42 USC § 13925) dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - 1. The length of the relationship.
  - 2. The type of relationship.
  - 3. The frequency of interaction between the persons involved in the relationship.
- B. **Domestic abuse:** under the Family Violence Protection Act, “domestic abuse” is defined as “an incident of stalking or sexual assault whether committed by a household member or not” resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear or bodily injury by any household member, criminal trespass, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, harassment, or harm or threatened harm to children. Under the Family Violence Protection Act, “household members” include a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. Violation of any provision of an order of protection issued under the Family Violence Protection Act is a misdemeanor crime and constitutes contempt of court and may result in a fine or imprisonment or both.
- C. **Domestic violence:** under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery, and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child, or person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order of protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

- D. **Intimate partner violence:** is the general term the University will utilize to encompass domestic violence, domestic abuse, and dating violence that includes physical, sexual, or psychological harm (e.g. emotional abuse) as defined above.
- E. **Non-consensual oral sex:** non-consensual contact between one person's mouth and the genitals or anus of another person.
- F. **Rape:** non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
- G. **Sexual assault\*:** actual or attempted sexual contact without affirmative consent; or a threat to engage in contact that would be, if the threat were carried out, sexual contact without affirmative consent.

Some forms of sexual assault include:

1. Penetration of the victim's body, also known as rape
2. Attempted rape
3. Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator's body
4. Fondling or unwanted sexual touching

\* Source: The Rape Abuse and Incest National Network (RAINN)

- H. **Sexual contact/battery:** non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.
- I. **Sexual exploitation:** taking sexual advantage of another person without consent, including, without limitation, indecent exposure; voyeurism; non-consensual recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; and/or allowing third parties to observe private sexual acts. The use of technology, electronic mail or computer dissemination of gender-based communications or sexually explicit images; and the posting of pornography or other sexually explicit materials in University offices, classrooms or any other public area owned or controlled by the University.
- J. **Sexual harassment:** Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment covered by this policy generally falls into one of two categories: quid pro quo and hostile environment. Conduct of a sexual nature becomes a violation of this policy when:
  1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement (**quid pro quo**);
  2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual (**quid pro quo**); or
  3. unwanted conduct of a sexual nature is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment (**hostile environment**).

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

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

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

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

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

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

While sexual harassment often takes place under circumstances where a power differential between the persons involved exists, this policy recognizes that sexual harassment also may occur between persons of the same University status: student-student, faculty-faculty, and staff-staff, or between peers. Additionally, the prohibition against sexual harassment applies regardless of the genders of the parties. Sometimes harassers target a person who has authority over them. Harassers can also be persons who are not members of the University community, such as contractors or visitors. Regardless of the source, the University does not tolerate this kind of behavior and the University is committed to maintaining an environment free from sexual harassment.

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

The University prohibits all forms of sexual or gender-based harassment, including sexual violence and other forms of sexual misconduct.

- K. **Sexual violence:** refers to physical sexual acts perpetrated with force or coercion against a person's will; or where a person has not given consent as defined in this policy or is unable to consent due to their use of alcohol or drugs, or disability, or age.
- L. **Stalking:** is a course of conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to feel fear. This can be in a physical form or electronically. Under New Mexico law, "stalking" is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

death, bodily harm, sexual assault, or restraint of the individual or another individual. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

## IV. Sanctions

The following sanctions may be imposed upon any member of the community found to have violated this Sexual Misconduct Policy. Factors considered in sanctioning are defined in [New Mexico Tech’s Academic Honesty Policy and Guide to Conduct and Citizenship for Student](#) found in the [Student Handbook](#) and [Employee Handbook](#). The following are the typical sanctions that may be imposed upon campus community members, singly or in combination:

### A. Student Sanctions (listed below and defined in [the Student Code](#))

1. Warning
2. Probation
3. Suspension
4. Expulsion
5. Withholding Diploma or Degree
6. Revocation of Admission or Degree
7. Transcript Notation
8. Organizational Sanctions
9. Other actions as outlined in Section V. of the Student Code of Conduct.

### B. Employee Sanctions (listed below and defined in [Employee Handbook](#))

1. Warning – Written or Verbal
2. Performance Improvement Plan
3. Required Counseling
4. Required Training or Education
5. Demotion
6. Loss of Annual Pay Increase
7. Suspension without Pay
8. Suspension with Pay
9. Revocation of Tenure
10. Termination

There are many factors considered when determining appropriate sanctions. NEW MEXICO TECH utilized [Sanctioning Guidelines for Sexual Misconduct/Title IX Violations](#) when establishing student sanctions.

## V. Jurisdiction

- A. The Dean of Students Office (DOSO), Office of Graduate Studies (OGS), and AA/EEOC are not law enforcement agencies. As such, while they are charged with investigating allegations of sexual violence and misconduct as provided in this policy, they do not enforce criminal statutes. Enforcement of criminal statutes is the sole jurisdiction of law enforcement agencies. Similarly, while they generally have jurisdiction to administratively investigate claims of sexual misconduct, depending on the allegations made, the DOSO, OGS, and AA/EEOC may not have jurisdiction to investigate all alleged sexual misconduct. The information received from an

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

individual reporter/s or complainant/s will be reviewed and a determination will be made as to whether the DOSO, OGS or AA/EEOC has jurisdiction over the concerns.

- B. Conduct occurring off-campus can be the subject of a complaint or report and will be evaluated to determine whether it implicates this policy or the [Student Code of Conduct](#). If off-campus sexual misconduct has continuing effects that create a hostile environment on campus for an individual who has experienced sexual misconduct, the University may take interim measures and depending on the circumstances, will investigate the conduct.

## VI. Amnesty From Disciplinary Action

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

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

However, students and employees should understand that any violation of state or federal criminal law involving the use or possession of alcohol or illegal drugs may result in prosecution, and New Mexico Tech cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecution are made by the District Attorney's Office in the state criminal justice system and by the U.S. Attorney's Office in the federal criminal justice system.

## VII. Privacy and Confidentiality

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

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

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

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

## VIII. Rights of the Parties

- A. During the investigation following a report of sexual misconduct to New Mexico Tech, and prior to a final determination being made, the reporting party ("complainant") and responding party ("respondent") have equal rights. Below is a sample of the rights to which both parties are entitled:
1. To be treated with respect, dignity, and sensitivity throughout the process.
  2. To written notification about their right to change academic, living, transportation, or work situations even if they do not formally report or participate in the University's investigatory or disciplinary process.
  3. To written notification of a student or employee's rights and options, regardless of whether the crime took place on campus or off campus.
  4. To be provided information on how the University will protect the confidentiality of the parties.
  5. To notification of available services for mental health/counseling, advocacy, legal assistance, and other available community resources.
  6. To be informed of the University's sexual misconduct policies and procedures.
  7. To a timely and thorough investigation of the allegations.
  8. To participate or decline to participate in the investigation or disciplinary process. However, these processes may still occur and decisions made based on the information available.
  9. To the opportunity to have one (1) advisor/advocate present at any meeting or hearing with University officials for support and/or consultation.
  10. To the opportunity to be present and have others (e.g. witnesses) provide evidence about alleged violations in disciplinary proceedings (informal or formal).
  11. To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (both parties are free to share the outcome with anyone they wish).
  12. To disagree with the decision and/or sanctions determined by the informal/investigative proceedings.
  13. To request an appeal of the decision and/or sanctions determined by the formal disciplinary proceedings.

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

14. To be protected from retaliation for their involvement in University's investigatory and disciplinary proceedings.
  15. To information on obtaining orders of protection and no contact orders.
- B. Respondents are only required to meet with the campus authority (e.g. Title IX office, AA/EEOC) to hear the allegations and learn about the prohibited conduct investigative and adjudicative processes.
1. Student Respondents who fail to attend this initial meeting with the campus authority in sexual misconduct cases will have a hold placed on their student account and in some situations will also receive an Interim Suspension until the time of the initial meeting occurs.
  2. Respondents are not required to respond to the allegations or provide other information to the campus Title IX office.
  3. However, if the respondent does not provide information, the investigation will proceed based on the information available.
- C. Individuals experiencing sexual or gender-based harassment or discrimination also have the right to file a formal grievance with government authorities:

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

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

## IX. Resources Following an Act of Sexual Harassment or Other Forms of Sexual Misconduct

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

Those resources can assist a person to access the full range of services available. Students and employees accused (respondent) of committing an act of sexual misconduct may obtain confidential and anonymous support and counseling at New Mexico Tech's Counseling & Disabilities Office in the Fidel



# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

Center. Employees can receive support and advice from the Office of Human Resources or Office of AA/EEOC.

## **X. Interim Protective Measures**

The Vice President of Student and University Relations office or designee has the authority to implement interim measures which stay in place until the end of any review or appeal process. The Vice President of Student and University Relations office can impose a “no contact” order, which typically directs the complainant and respondent not to have contact with each other, either in-person or through electronic communication, pending the investigation and resolution of a complaint. The Vice President of Student and University Relations office can work collaboratively with the Academic Affairs office and the Office of the Registrar to arrange for changes in academic and/or on-campus living situations, as needed. Other interim measures, as appropriate, can be implemented by the Vice President of Student and University Relations office before the final outcome of the investigation and afterwards as needed. Employee complainants are encouraged to communicate with their supervisor, the Office of Human Resources, and AA/EEOC, for interim preventative measures as needed.

## **XI. Investigations**

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

## **XII. Conduct Proceedings**

New Mexico Tech’s conduct procedures for resolving allegation of sexual misconduct against students is slightly different from those used to for employees. In these University conduct proceedings, both parties are allowed a support person present, such as an advisor, advocate or an attorney. The University utilizes the clear and convincing as the evidentiary standard for resolving a complaint of this policy. The due process followed by New Mexico Tech allows for an informal proceeding, a formal hearing, and an appeal process, if needed. The standard procedures are impartial and provide the opportunity for both the complainant and respondent to make statements, present witnesses, and evidence. Each party has the right to be notified of the outcome of any University disciplinary or conduct proceeding concerning a complaint, subject to the limitations of the New Mexico Government Data Practices Act, as well as be informed of any appeal procedures. Both parties have the right to disagree with the informal proceedings and request a formal hearing, and request an appeal of the formal hearing’s decision regarding the violation and/or any associated sanctions. Any other potential violation of the University’s Student Code of Conduct or Employee Handbook will be addressed separately from the sexual misconduct allegation.

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

## XIII. FERPA

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

## XIV. Timely Warning Alerts/Emergency Notification

If a report of a sexual misconduct or Title IX offense reveals there is an immediate threat to the health or safety of students or employees on campus or that an on-going serious or continuing threat to the campus community exists, an Emergency Notification or a Timely Warning will be issued. The purpose of a Timely Warning is to enable persons to protect themselves, heighten safety awareness, and seek information that will lead to an arrest and conviction of the perpetrator/s. The victim's name and other personally identifying information will NOT be included in any Emergency Notification or Timely Warning.

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

## XV. Title IX Coordinator

The New Mexico Tech's Title IX Coordinator [(575) 835-5187 or [titleixcoordinator@nmt.edu](mailto:titleixcoordinator@nmt.edu)], oversees compliance with all aspects of the sexual or gender-based harassment, sexual discrimination, and this sexual misconduct policy. The Title IX Coordinator reports directly to President of New Mexico Tech. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to [make a report](#) relating to sexual or gender-based harassment, sexual discrimination, and sexual misconduct policy may do so by reporting the concern to the University's Title IX Coordinator.

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Office of the President (575) 835-5600.

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

## XVI. Providing False Information

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

action will be taken against an individual who makes a good faith allegation of sexual misconduct under this policy, even if an investigation fails to substantiate the allegation.

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

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## REASON FOR POLICY

The Student Code of Conduct Policy and employee policies in the Employee Handbook prohibit conduct covered by this administrative policy. Further, this policy in part establishes and communicates associated procedures for responding to incidents involving sexual misconduct. The commitment of the entire Tech community to this policy contributes to our goal of creating a campus free from sexual harassment, sexual misconduct, and other forms of gender-based discrimination that may occur within a personal or intimate relationship, as well as prevent a hostile environment.

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## PROCEDURES

- [NMT Sexual Misconduct Reporting Options & Procedures](#)
- [Sexual Misconduct Investigative Procedures Involving Students](#)
- [Informal Resolution Process for Student Sexual Misconduct Cases](#)
- [Formal Hearing Procedures](#)
- [Procedures for Responding to Reports of Sexual Misconduct](#)
- [New Mexico Tech's Procedures to Follow if You are a Victim or Complainant of Sexual Misconduct](#)
- [New Mexico Tech's Procedures to Follow if You are the Respondent in a Sexual Misconduct Case](#)
- [Employee Handbook](#)

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## APPENDICES

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

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## FREQUENTLY ASKED QUESTIONS

- [Employees' Obligation to Report Sexual Misconduct to the Campus Title IX Office](#)
- [Investigations and Accommodations](#)

# SEXUAL MISCONDUCT & TITLE IX OFFENCES POLICY

- [Retaliation](#)
- [Supervisor Obligations](#)

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## CONTACTS

<b>Subject</b>	<b>Phone</b>	<b>Email</b>
Title IX Coordinator	575-835-5187	<a href="mailto:titleixcoordinator@nmt.edu">titleixcoordinator@nmt.edu</a>
AA/EEOC Director	575-835-5005	<a href="mailto:affirmative-action@nmt.edu">affirmative-action@nmt.edu</a>
Director of Counseling & Disability Services	575-835-5780	<a href="mailto:counseling@nmt.edu">counseling@nmt.edu</a>
NMT Police Department	575-835-5434	<a href="mailto:dispatcher@nmt.edu">dispatcher@nmt.edu</a>



## Drug and Alcohol Policy

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New Mexico Tech  
Office of the President  
August 21, 2019

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

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

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

# UNIVERSITY POLICY ON ALCOHOL AND DRUGS

Drug and Alcohol Free Campus

Last Revised: August 21, 2019

Responsible University Office:

- Office of the President

Effective Date: August 19, 2019

Date Revised:

Policy Owner(s):

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

Policy Contact(s)

- Dean of Students
- Director of Human Resources

## I. Purpose

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

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

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

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

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

NMT Student and University Relations

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# UNIVERSITY POLICY ON ALCOHOL AND DRUGS

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Last Revised: August 21, 2019

## II. Policy

### A. Illicit Drugs and Alcohol

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

### B. Sanctions

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

### C. Health Risks

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

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

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

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

# UNIVERSITY POLICY ON ALCOHOL AND DRUGS

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Last Revised: August 21, 2019

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

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

## D. Medical Amnesty

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

## E. Resources

### *For Employees*

Employee Assistance Program (EAP)

[www.corporatehealthresources.com](http://www.corporatehealthresources.com)

(800)348-3232



# UNIVERSITY POLICY ON ALCOHOL AND DRUGS

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**For Students**

New Mexico Tech Office of Counseling and Disability Services

[www.nmt.edu/cds/](http://www.nmt.edu/cds/)

575-835-6619

New Mexico Tech Student Health Center

575-835-6619

Alcohol Safety and Awareness Program (ASAP)

<https://nmt.edu/asap/>

(575) 835-5093

**For All**

Socorro Mental Health

[www.pmsnm.org/locations/socorro-mental-health](http://www.pmsnm.org/locations/socorro-mental-health)

575-835-2444

Alcoholics Anonymous National

[www.aa.org/](http://www.aa.org/)

Alcoholics Anonymous New Mexico

[nm-aa.org/](http://nm-aa.org/)

SAMHSA Substance Abuse Treatment

1-877-726-4727

Socorro General Hospital Emergency Department

1-575- 835-1140

Socorro General Medical Group

1-575-835-4690

Presbyterian Medical Services

1-575-835- 4444

Initial Policy Approval:



Date:

8-21-19

Revision Dates:

## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)
<b>Primary Crimes*</b>	<p><b>Murder/ Non-Negligent Manslaughter*</b></p> <p>The willful killing of one human being by another (Count one offense per victim). Any death caused by injuries received in a: 1.) fight, 2.) argument, 3.) quarrel, 4.) assault 5.) commission of a crime. Do not count: 1.) Suicides, 2.) fetal deaths, 3.) traffic fatalities, 4.) accidental deaths, 5.) attempted murder, 6.) justifiable homicide</p>
	<p><b>30-2-1 Murder</b></p> <p>Murder in the first degree is the killing of one human being by another without lawful justification or excuse, by an of the means with which death may be caused: 1.) by any kind of willful, deliberate and premeditated killing; 2.) in the commission of or attempt to commit any felony; or 3.) by any act greatly dangerous to the lives of others, indicating a depraved mind regardless of human life. Unless he is acting upon sufficient provocation, upon a sudden quarrel or in the heat of passion, a person who kills another human being without lawful justification or excuse commits murder in the second degree if in performing the acts which cause the death he knows that such acts create a strong probability of death or great bodily harm to that individual or another.</p>
	<p><b>Manslaughter</b></p> <p>Manslaughter is the unlawful killing of a human being without malice. Voluntary manslaughter consists of manslaughter committed upon a sudden quarrel or in the heat of passion.</p>
	<p><b>Manslaughter by Negligence</b></p> <p>Killing of another person through gross negligence (Count one offense per victim). Count any death caused by gross negligence of another. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another. Do not count deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence and traffic fatalities.</p>
	<p><b>30-2-3.B Manslaughter</b></p> <p>Manslaughter is the unlawful killing of a human being without malice. Involuntary manslaughter consists of manslaughter committed in the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death in an unlawful manner or without due caution and circumspection.</p>
	<p><b>Rape * **</b></p> <p>Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition included any gender of victim or perpetrator. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol). Physical resistance is not required on the part of the victim to demonstrate lack of consent.</p>

## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

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

## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

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

## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

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

## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

Offense	Clery Act Crime Definition(s) followed by Commonly Used and Associated State Statute(s)	
<b>VAWA OFFENSES</b>	<b>Dating Violence</b>	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
	<b>Stalking</b>	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1.) fear for the person's safety or the safety of others; or 2.) suffer substantial emotional distress.
	<b>30-3A-3 Stalking</b>	Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individuals.
<b>HATE CRIMES</b>	<b>Larceny-Theft</b>	The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
	<b>30-16-1 Larceny</b>	Larceny consist of the stealing of anything of value that belongs to another.
	<b>30-16-3.B Auto Burglary</b>	Any person who, without authorization, enters any vehicle, watercraft, aircraft, or other structure, movable or immovable, with intent to commit any felony or theft therein is guilty of a fourth degree felony.
	<b>Simple Assault</b>	An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
	<b>30-3-4 Battery</b>	Battery is the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner.
	<b>30-3-5.B Aggravated Battery</b>	Aggravated battery consist of the unlawful touching or application of force to the person of another with intent to injure that person or another and did so by inflicting an injury to the person which is not likely to cause death or great bodily harm, but does cause temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body.
	<b>Intimidation</b>	To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

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

## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

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

ARRESTS AND REFERRALS



## GUIDE TO CLERY ACT OFFENSES IN NEW MEXICO

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

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

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

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

## New Mexico Tech Campus Crime Statistics

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Unfounded Cases	
<b>CLERY ACT PRIMARY CRIMES</b>	<b>Murder/ Non-Negligent Manslaughter</b>	2021	0	0	0	0	0
		2020	0	0	0	0	0
		2019	0	0	0	0	0
	<b>Negligent Manslaughter</b>	2021	0	0	0	0	0
		2020	0	0	0	0	0
		2019	0	0	0	0	0
	<b>Rape</b>	2021	1	1	0	0	0
		2020	0	0	1	0	0
		2019	0	0	0	0	0
	<b>Fondling</b>	2021	0	0	0	0	0
		2020	1	1	0	0	0
		2019	0	0	0	0	0
	<b>Incest</b>	2021	0	0	0	0	0
		2020	0	0	0	0	0
		2019	0	0	0	0	0
	<b>Statutory Rape</b>	2021	0	0	0	0	0
		2020	0	0	0	0	0
		2019	0	0	0	0	0
<b>Robbery</b>	2021	0	0	0	0	0	
	2020	1	0	0	0	0	
	2019	1	0	0	0	0	
<b>Aggravated Assault</b>	2021	3	0	0	0	1	
	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
<b>Burglary</b>	2021	1	0	0	0	0	
	2020	4	2	0	0	0	
	2019	5	1	0	0	0	
<b>Motor Vehicle Theft</b>	2021	3	0	0	0	1	
	2020	0	0	0	0	0	
	2019	1	0	0	0	0	
<b>Arson</b>	2021	0	0	0	0	0	
	2020	0	0	0	0	0	
	2019	1	0	0	0	0	
<b>Domestic Violence</b>	2021	0	0	0	0	0	
	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
<b>Dating Violence</b>	2021	1	1	0	0	0	
	2020	2	1	0	0	0	
	2019	1	0	0	0	0	
<b>Stalking</b>	2021	0	0	0	0	0	
	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
<b>VAWA OFFENSES</b>							

## New Mexico Tech Campus Crime Statistics

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Unfounded Cases
<b>Murder/ Non-Negligent Manslaughter</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Negligent Manslaughter</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Rape</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Fondling</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Incest</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Statutory Rape</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Robbery</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Aggravated Assault</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Burglary</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Motor Vehicle Theft</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Arson</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Simple Assault</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Larceny-Theft</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Intimidation</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<b>Destruction/ Damage/ Vandalism of Property</b>	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

CRIMES MOTIVATED BY HATE

## New Mexico Tech Campus Crime Statistics

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Unfounded Cases	
<b>ARRESTS</b>	<b>Liquor Law Violations</b>	2021	0	0	0	0	
		2020	0	0	0	0	
		2019	0	0	0	0	
	<b>Drug Violations</b>	2021	0	0	0	0	0
		2020	1	1	0	0	0
		2019	2	0	0	1	0
	<b>Weapons Violations</b>	2021	0	0	0	0	0
		2020	0	0	0	0	0
		2019	0	0	0	0	0
<b>NON-ARREST CAMPUS REFERRALS</b>	<b>Liquor Law Violations</b>	2021	7	6	0	0	0
		2020	5	5	1	0	0
		2019	1	0	0	0	0
	<b>Drug Violations</b>	2021	7	2	0	0	0
		2020	4	4	0	0	0
		2019	6	6	0	0	0
	<b>Weapons Violations</b>	2021	0	0	0	0	0
		2020	0	0	0	0	0
		2019	0	0	0	0	0

Fire Statistics Related to Residential Facilities				
Facility Name	Year	Fires	Injuries	Deaths
Altamirano	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Baca	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Desert Willow Apartments	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
South	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
West	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Presidents	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Driscoll	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Torres	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Mountain Springs Apartments	2021	0	0	0
	2020	0	0	0
	2019	0	0	0

## Fire Systems Located In Residential Facilities

Facility Name	Fire Alarm	Room Detection	Pull Stations	Connected to Operations Center	Sprinkler	Fire Extinguisher	Fire Rated Doors	Fire Drills Conducted
Altamirano	Y	Y	Y	Y	N	Y	Y	2
Desert Willow	Y	Y	Y	Y	N	Y	Y	3
Baca	Y	Y	Y	Y	N	Y	Y	2
South	Y	Y	Y	Y	N	Y	Y	3
West	Y	Y	Y	Y	N	Y	Y	1
Presidents	Y	Y	Y	Y	N	Y	Y	2
Driscoll	Y	Y	Y	Y	N	Y	Y	2
Torres	Y	Y	Y	Y	Y	Y	Y	2
Mountain Springs	Y	Y	Y	Y	N	Y	Y	3