

# 2025

## **ANNUAL SECURITY AND FIRE SAFETY REPORT**



# **NEW MEXICO TECH**

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**SCIENCE • ENGINEERING • RESEARCH UNIVERSITY**

Prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) - Published October 1, 2025

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## A MESSAGE FROM THE CHIEF OF POLICE

The Annual Security and Fire Safety Report is an important resource for our community. It contains crime and fire statistics, outlines university policies, and explains the safety and prevention programs available at New Mexico Tech. This report is published each year to provide transparency and to help every member of our campus make informed decisions about their safety.

As someone who has spent many years at New Mexico Tech both as a student and now in public safety, I know how important it is for each of us to stay informed and engaged. I encourage you to take the time to review the information in this report and to become familiar with the services and resources that are available to you. A safe and secure campus depends on all of us working together.



**Jeremiah B. Benjey** | Interim Chief of Police  
campuspolice@nmt.edu | **575.835.5434**

# ANNUAL SECURITY AND FIRE SAFETY REPORT

The New Mexico Tech Police Department, in cooperation with local law enforcement agencies and other university officials, prepares this report each year in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The report is published annually by October 1 and contains crime and fire statistics for the previous three calendar years, along with information on campus security policies, alcohol and drug programs, sexual misconduct and Title IX procedures, emergency response, and other safety resources.

## Distribution

- Current students and employees receive the report each year by official NMT email.
- Prospective students and employees may access the report online at [www.nmt.edu/police](http://www.nmt.edu/police).

Paper copies are available upon request at the New Mexico Tech Police Department, 801 Leroy Place, S.A.C.— Student Activities Building, Socorro, NM 87801, or by calling 575.835.5434.

For more information on the Clery Act, visit the Clery Center at <https://clerycenter.org>.



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# NEW MEXICO TECH POLICE DEPARTMENT

The New Mexico Tech Police Department is responsible for law enforcement and security on campus. The department operates 24 hours a day, seven days a week, and provides emergency response, crime prevention, and safety services to the campus community.

All sworn officers are commissioned under the laws of the State of New Mexico and have full authority to enforce state and local laws and make arrests on campus and on adjacent public property. Officers are required by state law to successfully complete the New Mexico Department of Public Safety Basic Police Training Academy within one year of their hire date, unless already certified. All officers meet the same training and certification requirements as other police officers in the state, and many receive additional specialized training to serve the needs of the university community.

The department also employs security personnel, dispatchers, and support staff who work together to enhance campus safety and to provide assistance to students, employees, and visitors.

## **Contact Campus Police**

### **Emergency:**

911 or 575.835.5555  
(Campus ext. 5555)

### **Non-Emergency:**

575.835.5434 (Campus ext.  
5434 or "0")

### **Email**

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

### **Address**

801 Leroy Place, S.A.C. Student Activities Center, Socorro, NM 87801

## NMT POLICE DEPT. SERVICES

The New Mexico Tech Police Department provides continuous law enforcement services to the campus community. Core responsibilities include emergency response, criminal investigations, traffic enforcement, crime prevention programs, and coordination with local and state law enforcement partners. Officers and staff are committed to supporting the safety and well-being of all students, employees, and visitors.

In addition to these primary services, the department offers a variety of community assistance and support services, including:

- 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 and property registration
- Campus directions and general information
- Assistance with building access and residence hall lockouts
- Key control and distribution
- Fingerprinting services
- Driving tests

For more information or to request assistance, contact the Police Department at 575.835.5434 or [campuspolice@nmt.edu](mailto:campuspolice@nmt.edu).



## JURISDICTION AND INTERAGENCY COOPERATION

The New Mexico Tech Police Department has jurisdiction over the main campus, university-owned or controlled properties, and public property that is immediately adjacent to campus. Officers have full authority under the laws of the State of New Mexico to enforce state and local laws and to make arrests on campus and in the surrounding area when appropriate.

The department works closely with the Socorro Police Department, Socorro County Sheriff's Office, New Mexico State Police, and the Seventh Judicial District Attorney's Office. These partnerships support daily operations, major investigations, and emergency response, including the investigation of sexual assault cases. While New Mexico Tech does not have a written memorandum of understanding with these agencies, the Police Department coordinates closely with them to ensure effective investigations and support for victims. The department also maintains direct radio communications with local law enforcement, fire, and emergency medical services to ensure a coordinated and rapid response.

New Mexico Tech Police may also assist with investigations when students are involved in incidents that occur off campus, particularly when the situation has a direct impact on campus safety or when assistance is requested by another agency.



# REPORTING A CRIME OR EMERGENCY

To report a crime or emergency on campus, call **911** or the New Mexico Tech Police Department at **575.835.5555** (Campus extension 5555). Police officers are available 24 hours a day, seven days a week. Non-emergency calls may be directed to **575.835.5434**.

Prompt reporting ensures that police officers can respond quickly, that incidents are included in the University's crime statistics, and that the campus community can be notified of potential threats when necessary.

Crimes and emergencies should be reported to the New Mexico Tech Police Department in all circumstances where safety may be at risk. This includes, but is not limited to, situations where:

- Someone is injured, ill, or in danger
- You observe suspected dating violence, domestic violence, sexual assault, or stalking
- You witness or suspect a crime in progress, including theft or property damage
- You see fire or smell smoke
- Any situation appears to present an immediate risk to safety



Community members are also encouraged to report suspicious or concerning behavior that may not rise to the level of an emergency. Do not assume that someone else has already made the call.



# REPORTING A CRIME OR EMERGENCY

## **Reporting Options and Campus Security Authorities**

The New Mexico Tech Police Department encourages the prompt reporting of all crimes and emergencies. Timely reporting ensures that police officers can respond quickly, that incidents are included in required crime statistics, and that the campus community can be notified of potential threats when necessary.

## **Voluntary and Confidential Reporting**

Individuals who experience or witness a crime but do not wish to pursue criminal charges or university disciplinary action may file a confidential report. These reports allow the University to track and disclose incidents for statistical purposes and to evaluate whether a timely warning should be issued, while protecting the identity of the reporting party whenever possible. In limited circumstances, information may be shared when necessary to protect the safety of the community.

## **Pastoral and Professional Counselors**

Pastoral and licensed professional counselors who are acting in their professional roles are not required to report crimes for inclusion in this Annual Security and Fire Safety Report. Counselors are encouraged, when appropriate, to inform individuals of the option to make a voluntary, confidential report to the Police Department.

## **Campus Security Authorities (CSAs)**

In addition to law enforcement, certain university officials known as Campus Security Authorities (CSAs) are required to report certain crimes. CSAs are individuals with significant responsibility for student and campus activities, such as student housing, student organizations, or student discipline.

Examples of CSAs at New Mexico Tech include:

- Directors of Residential Life
- Undergraduate and Graduate Deans
- Title IX Coordinator
- Advisors to student groups
- Residence hall assistants and peer educators

All CSAs receive annual training on their reporting obligations and submit reports directly to the Police Department for inclusion in this report and for review of potential timely warnings.

# REPORTING A CRIME OR EMERGENCY

## Obtaining Copies of Police Reports

The New Mexico Tech Police Department provides copies of police reports upon request. These requests may be made in person at the Police Department or by email. Reports are available during normal business hours, Monday through Friday, 8 a.m. to 5 p.m., excluding holidays and campus closures.

## Police Report Requests

- In person at the New Mexico Tech Police Department, 801 Leroy Place, Student Activities Center (SAC), Socorro, NM 87801
- By email: [campuspolice@nmt.edu](mailto:campuspolice@nmt.edu)

The Police Department will review each request in accordance with the New Mexico Inspection of Public Records Act (IPRA). Broader requests for police records, or any request submitted as part of a formal IPRA or Freedom of Information (FOI) process, must be directed to the New Mexico Tech Custodian of Public Records.

## Public Records Requests (IPRA/FOI):

- Email: [foi@nmt.edu](mailto:foi@nmt.edu)



# STUDENT CODE OF CONDUCT

Students at New Mexico Tech are accountable to both university policies and the laws of the State of New Mexico. When student behavior violates both the law and the Student Code of Conduct, disciplinary action may be taken by the University in addition to any criminal charges pursued through local courts.

The **Student Code of Conduct (SA-03.1-2025)**, effective September 15, 2025, is administered by the Division of Student Affairs through the Office of the Dean of Students. All procedures for resolving alleged violations are outlined in the companion document, *Procedures for Resolving Alleged Violations of the Student Code of Conduct*. A separate *Prohibited Conduct Appendix* provides detailed definitions of violations.

In addition, the University has adopted the **Hazing Discipline and Prevention Policy (SA-06.1-2025)**, also overseen by Student Affairs / Dean of Students.

Certain forms of misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, are addressed under the **Sexual Misconduct and Title IX Policy** section of this report. Disciplinary procedures for these cases are designed to be prompt, fair, and impartial, and are conducted by officials who receive annual training.

The complete Student Code of Conduct, Hazing Policy, and related reporting forms are available through the **Student Affairs / Dean of Students webpage** at [www.nmt.edu/studentlife](http://www.nmt.edu/studentlife).

For more information, contact the Office of the Dean of Students at 575.835.5548 or [deanofstudents@nmt.edu](mailto:deanofstudents@nmt.edu).



# MASS NOTIFICATION SYSTEMS

New Mexico Tech maintains several systems to notify the campus community of emergencies, safety threats, and other urgent situations. These systems may be used to issue **timely warnings** of certain crimes or **emergency notifications** when there is an immediate threat to the health or safety of students or employees.

Primary methods of notification include:

- **RAVE Alert System** (text, phone, and email messages)
- **All-campus email**
- **University website** ([www.nmt.edu](http://www.nmt.edu))
- **Official social media accounts**

The decision to issue a notification is made through a coordinated effort involving the New Mexico Tech Police Department, the Office of Marketing and Communications, and the Department of Information Technology and Communications (ITC).

Notification systems are tested and exercised regularly to ensure they remain effective and reliable.

# MASS NOTIFICATION SYSTEMS

## Enrolling in RAVE Alerts

The RAVE Alert System is New Mexico Tech's primary tool for sending urgent notifications by text message, email, and phone call. All students and employees are strongly encouraged to ensure their contact information is current so they receive alerts without delay.

Community members may register or update their contact information at: <https://getrave.com/login/nmt>

In addition to emergency alerts, RAVE is also used for important announcements such as university closures, delays, and utility outages. Using the system for these messages helps ensure that it remains operational, tested, and familiar to the community. It also serves as a way to keep the campus informed and connected on matters that affect daily life at New Mexico Tech.



# TIMELY WARNINGS

New Mexico Tech will issue a **Timely Warning Notice** when a Clery Act crime is reported and it is determined that the incident presents a serious or continuing threat to the campus community. Timely warnings may be based on reports made to the Police Department, other law enforcement agencies, or Campus Security Authorities (CSAs).

The Chief of Police or designee evaluates reported incidents and authorizes timely warnings. Factors considered include the nature of the crime, when and where it occurred, whether the suspect has been identified or apprehended, and the potential for additional incidents.

## **Content of a Timely Warning**

Each warning will provide clear and concise information about the incident, including the type of crime, the location, and the time it was reported, along with safety tips or protective actions the community can take. Personal identifying information about victims is never included.

## **Distribution of Timely Warnings**

Timely warnings are distributed without unnecessary delay through the RAVE Alert System, all-campus email, and other appropriate communication methods. Notices are sent to all students, employees, and others with an NMT email address or who have enrolled in RAVE alerts.

## **Timely Warnings vs. Emergency Notifications**

Timely warnings are issued for certain Clery Act crimes that pose a continuing threat. Emergency notifications are issued when there is an immediate threat to the health or safety of the campus community, regardless of whether the incident is crime-related (see next section).

## EMERGENCY NOTIFICATIONS & TESTING

New Mexico Tech will issue an **Emergency Notification** when there is confirmation of a significant emergency or dangerous situation on campus that poses an immediate threat to the health or safety of students or employees. Examples include severe weather, active shooter situations, hazardous materials incidents, or other emergencies.

Emergency notifications are distinct from **timely warnings**. Emergency notifications are issued for immediate threats to safety, whether or not the incident is crime-related. Timely warnings are issued for certain Clery Act crimes that represent a continuing threat (see previous section).

### **Content and Distribution**

Emergency notifications will include information that is clear, concise, and location-specific. They will be distributed without delay using the RAVE Alert System, all-campus email, the university website, and other appropriate methods.

### **Testing and Exercises**

New Mexico Tech conducts at least one test of its emergency response and evacuation procedures each calendar year. Tests may include drills, tabletop exercises, or full-scale exercises. Each test is documented with the date, time, description, and whether it was announced or unannounced. Using RAVE for closures and other operational notices also helps ensure that the system remains reliable and familiar to the community.

# EMERGENCY PREPAREDNESS

New Mexico Tech maintains an Emergency Operations Plan (EOP) that outlines procedures for responding to natural disasters, critical incidents, and other emergencies that may affect the campus. The EOP is reviewed periodically and is coordinated with local partners, including the Socorro County Office of Emergency Management and the Local Emergency Planning Committee (LEPC). The University also participates in county-level drills and exercises through the LEPC to strengthen coordination with community partners.

Emergency response and evacuation procedures are tested at least once each calendar year to ensure readiness, as described in the previous section.

The current New Mexico Tech Emergency Operations Plan is available through the Office of Administration and Finance at: <https://www.nmt.edu/policies>





# EVACUATIONS

In the event of an emergency that requires evacuation, students, employees, and visitors should leave the affected building or area immediately and follow instructions from police officers, fire personnel, or other university officials.

Evacuation routes are posted in all campus buildings. Individuals should proceed to the nearest safe exit and move to a designated assembly area outside. Do not re-enter a building until it has been declared safe by emergency personnel.

Detailed evacuation procedures are maintained in the University's Emergency Operations Plan, available at [www.nmt.edu/policies](http://www.nmt.edu/policies), and are reinforced through annual drills and exercises.



## CAMPUS FACILITIES: ACCESS AND SECURITY

Academic and administrative buildings at New Mexico Tech are generally open during normal business hours and secured after hours. Access outside of business hours is limited to authorized individuals with the appropriate keys or card access. Community members who need after-hours access are responsible for ensuring that facilities are properly secured when they leave.

Residence halls are secured 24 hours a day, seven days a week, and require card access for entry. Students who are accidentally locked out of their rooms may contact the Police Department for assistance after hours or Residence Life during business hours. Residence Life staff, including Resident Assistants, also play a role in monitoring residence halls and helping ensure that these facilities remain safe and secure.

Police officers and security staff routinely patrol campus buildings and grounds to monitor security conditions and to respond to safety concerns. Facilities Management and the Police Department work together to ensure that campus lighting, locks, and other physical security measures are maintained for the safety of the community.





## DAILY CRIME LOG AND FIRE LOG

The New Mexico Tech Police Department maintains a Daily Crime Log of all reported crimes. The log includes the nature of the crime, the date and time the crime was reported, the date and time the crime occurred, the general location of the crime, and the disposition of the complaint if known. The log is maintained electronically through the department's computer-aided dispatch (CAD) system and is updated within two business days of a report. Members of the public may request to view the log during normal business hours by visiting the Police Department or by emailing [campuspolice@nmt.edu](mailto:campuspolice@nmt.edu).

In addition, the University maintains a Fire Log for on-campus student housing. The fire log records the date, time, location, and cause of each reported fire, as well as any related injuries, deaths, or property damage. Like the crime log, the fire log is available for public inspection during normal business hours at the Police Department or may be requested by email at [campuspolice@nmt.edu](mailto:campuspolice@nmt.edu).



# CRIME PREVENTION AND SAFETY PROGRAMS

In addition to the safety services provided by the Police Department (see Police Services section), New Mexico Tech offers educational programs each year to promote crime prevention, security awareness, and personal safety. These programs are coordinated across multiple departments, including Student Affairs, Residence Life, the Title IX Office, Counseling Services, and the Police Department. Programs include both primary prevention education for new students and employees and ongoing prevention and awareness campaigns conducted throughout the year.

Examples of these programs include:

- **Security awareness and crime prevention programs** designed to encourage students and employees to take responsibility for their own safety and the safety of others.
- **Alcohol and drug education programs** that address substance use, risk reduction, and healthy decision-making.
- **Residence Life programming** on personal safety, building security, and community responsibility.
- **Sexual misconduct prevention and awareness programs**, including education on dating violence, domestic violence, sexual assault, and stalking, in compliance with the Violence Against Women Act (VAWA).
- **Emergency preparedness training and drills** conducted in coordination with campus and local partners.

Programs are available to all students and employees at various times each academic year. Information about upcoming programs is distributed through campus announcements and departmental communications.

# MISSING STUDENT NOTIFICATION POLICY

Federal law requires New Mexico Tech to include its Missing Student Notification Policy in the Annual Security and Fire Safety Report. This policy establishes the University's procedures for responding when a student who resides in on-campus housing is believed to be missing.

The policy covers:

- Confidential contact registration for students living in on-campus housing
- Parental notification requirements for students under age 18 who are not emancipated
- Law enforcement notification within 24 hours when a student is determined missing
- Institutional procedures for investigating and ensuring appropriate notifications

The full policy is reproduced in the following pages of this report.

In the event the policy is updated before the next Annual Security and Fire Safety Report cycle, the most current version is always available at: <https://www.nmt.edu/policies> → Office of the President → Policy on Missing Student Notification



## 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 NMT 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 and/or friends and family of the change. 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 575-835-5434. 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.

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) not 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.

**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 POLICY

Federal law requires New Mexico Tech to include its Sexual Misconduct Policy in the Annual Security and Fire Safety Report. This policy establishes the University's expectations and procedures for preventing and responding to sexual harassment, sexual assault, dating violence, domestic violence, stalking, and related misconduct. It also outlines how the University fulfills its responsibilities under Title IX of the Education Amendments of 1972 and related federal and state laws.

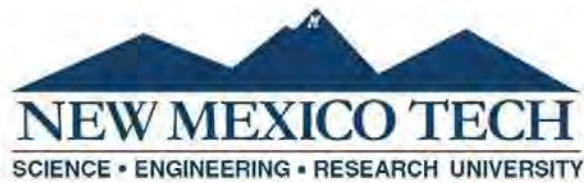
The policy covers:

- Definitions of prohibited conduct
- Reporting options and resources
- Confidentiality and amnesty protections
- Supportive measures and accommodations
- Investigation and grievance procedures
- Sanctions and disciplinary outcomes
- Education and prevention programs

The full policy is reproduced in the following pages of this report.

In the event the policy is updated before the next Annual Security and Fire Safety Report cycle, the most current version is always available at:

<https://www.nmt.edu/policies> → Office of Student Affairs → SA-01.1-2024  
→ Sexual Misconduct Policy



## Sexual Misconduct Policy

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### Division of Student Affairs

Policy Document Number: SA-01.11-2024

Adopted by the President: 03/21/2019

Policy Updates: 8/1/2024 - due to the Title IX 2024 Final Ruling

1/22/2025 - due to the 1/9/2025 vacated Title IX 2024 Regulations

<p><b>Policy Purpose:</b> To supplement institutional expectations for employees, students, and visitors, as well as to comply with the state of New Mexico and federal Title IX regulations</p>
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## **POLICY STATEMENT**

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 that promotes responsibility, dignity, and respect for all persons. New Mexico Tech prohibits all forms of discrimination however, this policy specifically relates to sex discrimination (e.g., sex stereotyping, sex characteristics, pregnancy or related conditions, and various forms of sexual harassment) and sexual misconduct. Sexual harassment (e.g., sexual violence/assault, intimate partner violence, stalking, quid pro quo, and creating a hostile environment) 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.

## **GENERAL POLICY**

1. In this policy and its associated procedures, the University utilizes the term sexual misconduct to collectively apply to all forms of sexual harassment, sex discrimination, and any Title IX offenses (collectively “Title IX prohibited conduct”), as well as the other terms and violations defined below in Section III (collectively “prohibited conduct”). The grievance resolution process for all Title IX prohibited conduct must follow the NMT Title IX Resolution Procedures (i.e., Title IX Grievance Procedure).
2. All University members are prohibited from engaging in, or assisting, or abetting another’s engagement in sexual misconduct and any form of discrimination (i.e., prohibited conduct).
3. This policy applies to University members, who include:
  - a. University students, whether enrolled full-time or part-time, for credit or non-credit courses;
  - b. University employees and
  - c. 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.
4. This policy applies to all forms of sexual misconduct, sexual harassment, sex discrimination, and related retaliation committed by or against students, employees, and third parties when:
  - a. the conduct occurs on University property;
  - b. 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), research, online or internship programs or activities;
  - c. 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
  - d. the conduct indicates that the Respondent (accused) may present a danger or threat to

the health or safety of University members.

5. Title IX jurisdiction applies to all applicable violations (e.g., sexual harassment, sexual violence, sex discrimination, etc.) occurring under the University's education program or activity in the United States. This policy is applicable regardless of the sex, sex characteristics or sex stereotypes of individuals engaging in sexual activity.
6. This policy also includes information for students and employees on resources available following an act of sexual misconduct, New Mexico Tech responses, prevention, and supportive measures, the disciplinary process, possible disciplinary sanctions, remedies, and the University's requirement to collect and report general associate statistics in accordance to the Clery Act.

Any individual, who believes that they have been subjected to sexual misconduct or sex discrimination, is strongly encouraged to report the incident(s) to the New Mexico Tech Police Department (NMTPD), and/or internally with New Mexico Tech's Title IX Coordinator. The Title IX Coordinator can help stop the unwelcome behavior, remedy/resolve the situation with discipline, preventative, referrals, supportive measures (e.g. accommodations), and recommend other related support services or institutional changes.

7. 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 on University property or at University-sponsored activities to the New Mexico Tech Campus Police and Title IX Coordinator.
8. Except for Confidential Employees, all New Mexico Tech employees have been designated as **Mandatory Reporters** with regards to this policy and grievance procedure. These Mandatory Reporters are obligated to report any known or perceived sexual misconduct or sex discrimination to the University's [Title IX Coordinator](#) even if little information is known (see FREQUENTLY ASKED QUESTIONS section for more details). To the extent possible, information obtained, shared, or reported to a Mandatory Reporter will be communicated with the Title IX Coordinator within 24-hours. These Mandatory Reporters and the Title IX Coordinator will not share personally identifiable information with New Mexico Tech Campus Police or other law enforcement without the Complainant's/ victim's consent or unless the victim has also reported the incident to law enforcement. This information is considered private.
9. Employees whose communications are privileged or confidential under federal or state law (e.g. Counselors, Medical Professionals) are considered **Confidential Employees**. The University has also extended the role of a Confidential Employee to its two (2) Ombudspersons. Complainants going to these individuals would receive the same confidentiality as they would with the University counseling and medical staff.

However, these Confidential Employees **must** share (1) that they are confidential, including when they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (2) how to contact New Mexico Tech's Title IX Coordinator and how to make a complaint of sex discrimination; and (3) that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

10. 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), that is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. Sexual harassment, sexual assault, stalking, and intimate partner violence are forms of sex-based discrimination prohibited by Title IX and New Mexico Tech.
11. The Title IX 2020 Regulations define sexual harassment and sexual assault as:
  - a. An employee conditioning the provision of a school aid, benefit, or service on the student or employee’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment); or
  - b. Unwelcome conduct, by an employee or student, determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies that individual equal access to the school education program or activity; or
  - c. Sexual assault, dating violence, domestic violence, or stalking, as defined in applicable federal law (i.e., Violence Against Women Act [VAWA]).That means the conduct at issue must be addressed using the Title IX regulatory processes (i.e., Title IX Grievance Procedures) if it meets one of more of the criteria above. Conduct that does not fall under Title IX jurisdiction can be resolved through NMT’s other policies and procedures.
12. 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. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled.
13. New Mexico Tech is dedicated to preventing and resolving sexual misconduct and Title IX offenses by providing:
  - a. Awareness and prevention programming
  - b. Assistance and support for students and employees affected by violence and other forms of discrimination or harm.
  - c. Reports of sex discrimination, sexual misconduct, and any form of discrimination will be taken seriously and dealt with promptly and equitably.
  - d. Processes for reliable and impartial investigation and adjudication that include appropriate disciplinary sanctions for those who commit Title IX offenses or sexual misconduct, including limiting access to campus facilities, suspension, and dismissal.
  - e. Support and guidance from the campus Title IX Coordinator will also include resources to help students and employees better understand Complainant rights and Respondent rights.
  - f. 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.

14. Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.

#### **SEXUAL MISCONDUCT VIOLATIONS (BUT NOT LIMITED TO):**

1. **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 property damage, repeatedly driving by a residence or workplace, 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
2. **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:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the persons involved in the relationship.These violations are also be considered misdemeanor crimes and constitutes contempt of court and may result in a fine or imprisonment or both.
3. **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 domestic abuse is a

misdemeanor crime.

4. **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.
5. **Hostile Environment Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies or limits a person equal access to the school's education program, activity or employment. Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that this harassment has created a hostile environment. A serious incident such as sexual assault, even if isolated, can be sufficient.
6. **Non-Consensual Oral Sex:** non-consensual contact between one person's mouth and the genitals or anus of another person.
7. **Quid Pro Quo Harassment:** An employee or Teaching Assistant (TA) of the school conditions the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct. This type of conduct is a violation of this policy when (i.) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or (ii.) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions. This can include related situations where there is a power differential between the parties (e.g. supervisor and employee, instructor, or TA and student).
8. **Peer Retaliation:** means retaliation by a student against another student. (see retaliation below)
9. **Rape:** non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
10. **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 a 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.
11. **Sex Discrimination:** is discrimination on the basis of sex (e.g. sex stereotypes, sex characteristics, pregnancy or related conditions, and sexual harassment. This includes differential treatment of individuals or groups based on sex, sex stereotypes, sex characteristics, instead of their behavior or qualifications.
12. **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)

13. **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.
14. **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 to disseminate sex discrimination 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.
15. **Sexual Harassment:** means conduct on the basis of sex that satisfies one or more of the following:
  - a. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
16. **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.
17. **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 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.



## SANCTIONS

The following sanctions may be imposed singly or in combination upon any member of the community found to have violated this Sexual Misconduct Policy:

1. Student Sanctions

- a. Warning
- b. Probation
- c. Restrictions
- d. Educational Assignments
- e. Referrals or Required Counseling
- f. Suspension
- g. Expulsion
- h. Withholding a Diploma or Degree
- i. Revocation of Admission or Degree
- j. Transcript Notation
- k. Organizational Sanctions
- l. Other actions as outlined in Section V. of the Student Code of Conduct.

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

- a. Warning – Written or Verbal
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Demotion
- f. Loss of Annual Pay Increase
- g. Suspension without Pay
- h. Suspension with Pay
- i. Revocation of Tenure
- j. Termination

There are many factors considered when determining appropriate sanctions. New Mexico Tech utilizes [Sanctioning Guidelines for Sexual Misconduct/Title IX Violations](#) when establishing student sanctions.

## JURISDICTION

1. The Dean of Students Office (DOSO), Office of Graduate Studies (OGS), Title IX Office, and AA/EEOC are not law enforcement agencies. As such, while these offices may be charged with investigating allegations of sexual violence and sexual 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, Title IX Office, and AA/EEOC may not have jurisdiction to investigate all alleged sexual misconduct. The information received from an individual reporter/s or Complainant/s will be reviewed and a determination will be made as to whether the DOSO, OGS, Title IX Office, or AA/EEOC has jurisdiction over the concerns.

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2. 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 will address the behavior to determine if the on-campus behavior constitutes a violation of this policy or any other University policy. The University will not take up or adjudicate the original off-campus behavior. If the University investigates the on-campus behavior, supportive measures may be implemented.

## **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. New Mexico Tech cannot grant amnesty from proceedings in the criminal justice system. Prosecution decisions 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.

## **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 because 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.

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. The parties and their Advocates may be asked to sign a Non-disclosure form on some aspects of their case.

On the New Mexico Tech campus, the NMT Health Center and NMT Counseling Center & Disabilities Office in the Fidel Center are the only offices 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.

In addition to the two confidential offices mentioned above, the University has a Faculty Ombudsman and Staff Ombudsperson (i.e. Ombuds) who are considered Confidential Employees.

## **RIGHTS OF THE PARTIES**

1. 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:
  - a. To be treated with respect, dignity, and sensitivity throughout the process.
  - b. 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.

- c. To written notification of a student or employee's rights and options, regardless of whether the crime took place on campus or off campus.
  - d. To be provided information on how the University will protect the confidentiality of the parties.
  - e. To notification of available services for mental health/counseling, advocacy, legal assistance, and other available community resources.
  - f. To be informed of the University's sexual misconduct policies and procedures.
  - g. To a timely and thorough investigation of the allegations.
  - h. 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.
  - i. To the opportunity to have one (1) advisor/advocate (i.e. Support Person) present at any meeting or hearing with University officials for support and/or consultation.
  - j. To the opportunity to be present and have others (e.g. witnesses) provide evidence about alleged violations in disciplinary proceedings (informal or formal).
  - k. 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).
  - l. To disagree with the decision and/or sanctions determined by the informal/investigative proceedings.
  - m. To request an appeal of the decision and/or sanctions determined by the formal disciplinary proceedings.
  - n. To be protected from retaliation for their involvement in the University's investigatory and disciplinary proceedings.
  - o. To information on obtaining orders of protection and no contact orders.
2. 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 and the rest of the associated grievance process.
    - a. 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.
    - b. Respondents are not required to respond to the allegations or provide other information to the campus Title IX office.
    - c. However, if the Respondent does not provide information, the investigation will proceed based on the information available.
  3. Individuals experiencing sexual discrimination, sexual harassment or retaliation and the matter is not effectively resolved according to our procedures, individuals 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)

4. 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.
5. 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.

#### **RESOURCES FOLLOWING AN ACT OF SEXUAL MISCONDUCT OR OTHER FORMS OF SEX DISCRIMINATION**

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

#### **SUPPORTIVE MEASURES**

The Title IX Coordinator, Vice President of Student Affairs, and the Dean of Students or designees’ have the authority to implement supportive measures which stay in place until the end of any review or appeal process. These administrators can impose a “no contact” order (NCO), 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. These administrators 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 supportive measures, as appropriate, can be implemented by these administrators before the final outcome of the investigation and afterward as needed. Employee Complainants are encouraged to communicate with their supervisor, the Office of Human Resources, and AA/EEOC, for supportive measures as needed.

## **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.

## **GRIEVANCE PROCEEDINGS**

New Mexico Tech's grievance procedures for resolving allegations of sexual misconduct against students are slightly different from those used for employees. In these University grievance proceedings, both parties are allowed a Support Person present, such as an advisor, advocate, or attorney. The University utilizes the preponderance of the evidentiary standard for resolving a complaint of this policy. The due process followed by New Mexico Tech allows for an informal resolution option, 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, call witnesses, and present evidence. Each party has the right to be notified of the outcome of any University disciplinary or grievance 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 must agree to engage in an informal resolution process. If needed, the formal hearing's decision regarding the violation and/or any associated sanctions can be appealed. Any other potential violation of the University's Student Code of Conduct or Employee Handbook will be addressed separately from the sexual misconduct allegation. See the NMT Title IX Procedures for more details.

## **FERPA**

The Family Educational Rights and Privacy Act (FERPA) protects 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 on either party. Details of some sanctions (e.g. private mature) may not be completely disclosed.



## **TIMELY WARNING ALERTS/EMERGENCY NOTIFICATION**

If a report of 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 ongoing 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 (i.e. Clery Act), all cases of sex discrimination, sexual harassment, sexual assault, intimate partner violence, and stalking will be included in the University's [Annual Security and Fire Safety Report/Crime Statistics](#).

## **TITLE IX COORDINATOR**

The New Mexico Tech's Title IX Coordinator [(575) 835-5953 or [titleixcoordinator@nmt.edu](mailto:titleixcoordinator@nmt.edu)], oversees compliance with all aspects of sexual discrimination, sexual harassment, and this sexual misconduct policy. The Title IX Coordinator reports directly to the Vice President for Student Affairs and Chief Diversity Officer 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 discrimination sexual harassment, and sexual misconduct policy or NMT Title IX Prohibited Conduct may do so by reporting the concern to the University's Title IX Coordinator or Deputy Title IX Coordinator.

If an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Vice President for Student Affairs and Chief Diversity Officer (575) 835-5880.

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 University to investigate and not having all the needed information may make it difficult to effectively protect the reporter from further harm and adjudicate a disciplinary case.

## **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 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.

## **POLICY REVISION**

This Policy and associated procedures succeed all previous policies addressing sex discrimination, sexual harassment, sexual misconduct, and/or Retaliation, for incidents occurring on or after August 14, 2020. The Title IX Coordinator regularly reviews and updates the Policy and procedures. Incidents occurring before August 14, 2020, will be addressed using the policy that was in place at the time of the incident, but the procedures used will be those in place at the time of the Formal Complaint. The University reserves the right to make changes to this document as necessary, and those changes are effective once they are posted online.

If laws or regulations change or court decisions alter policy or procedural requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

A change required by a court or government order could occur during an active investigation or resolution process. If that happens, the University reserves the right to adjust the Policy and Procedures accordingly and notify the Parties of any necessary mid-process changes. This could include entirely replacing the Policy or associated procedures, which could necessitate restarting an investigation or resolution process. The University will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

## **RELATED PROCEDURES**

1. [NMT Title IX Resolution Procedures](#)
2. [NMT Sexual Misconduct Reporting Options & Procedures](#)
3. [Employee Handbook](#)

## **APPENDICES**

1. [Complainant's Rights Related to Gender-based Discrimination/Sexual Misconduct, Stalking, Intimate Partner Violence, and Retaliation Cases](#)
2. [Respondent's Rights Related to Gender-based Discrimination/Sexual Misconduct, Stalking,](#)



Intimate Partner Violence, and Retaliation Cases

3. Sanctioning Guidelines for Sexual Misconduct/Title IX Violations

## **FREQUENTLY ASKED QUESTIONS**

1. Grievance Process Investigations and Accommodations
2. Retaliation
3. Supervisor Obligations

## **CONTACTS**

<b>Subject</b>	<b>Phone</b>	<b>Email</b>
Title IX Coordinator	575-835-5953	<a href="mailto:titleixcoordinator@nmt.edu">titleixcoordinator@nmt.edu</a>
AA/EEOC Director & Deputy Title IX Coordinator	575-835-5005	<a href="mailto:affirmative-action@nmt.edu">affirmative-action@nmt.edu</a>
Director of Counseling Center	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>

Please Note: When using a campus phone, dial the last 4-digits or dial 9 before dialing the full numbers above.

## DEFINITIONS

1. **Affirmative Consent** is affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. This higher level of consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Affirmative 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 their willingness to continue at each progression of the sexual interaction. This definition of affirmative consent does not vary based on an individual's sex, sexual orientation, gender identity, or gender expression. The following factors will be considered when determining whether Affirmative Consent was given.
  - a. Each individual who wishes to engage in sexual contact is responsible for obtaining Affirmative Consent from the other individual or individuals who intend to be involved in the sexual activity.
  - b. A lack of protest, the absence of resistance, and silence do not by themselves indicate consent.
  - c. 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.
  - d. Affirmative consent must be present throughout the sexual interaction, it must be given, and can be withdrawn at any time.
  - e. 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.
  - f. Affirmative Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

Affirmative Consent is not obtained where:

- a. 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.
- b. 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:
  - i. A lack of control over one's physical movement (e.g., an inability to walk or stand without stumbling or assistance).
  - ii. An inability to effectively communicate (e.g., where one's speech is heavily slurred, incomprehensible, or nonsensical).
  - iii. A lack of awareness of one's circumstances or surroundings (e.g., 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 behaviors 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, and then the evidence may demonstrate that the respondent knew or should have known that the Complainant was incapable of giving meaningful Affirmative 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 nor is it 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.

- c. 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.
- d. An individual involved in sexual contact is asleep, unconscious or involuntarily physically restrained.
- e. An individual involved in sexual contact is not of legal age to give consent pursuant to New Mexico state law.

*Please note, under NM 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.*

- 2. **Complainant** means (1) a student or employee who is alleged to have been subjected to conduct that could constitute sexual misconduct or sex discrimination under Title IX; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sexual misconduct or sex discrimination under Title IX and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination. 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. In a Title IX grievance process, an individual must be affiliated or a former affiliate participating or attempting to participate in an education program or activity when the incident occurred. Complainants can also be guest speakers, volunteers, or potential students on a college visit are either attempting to or participating in an educational program or activity (e.g. sports, theater or fine arts fan) and therefore have a right to file a Title IX report.
- 3. **Disciplinary Sanctions** mean consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the University's prohibition on

sex discrimination.

4. **Formal Complaint** means a document filed by a complainant to the school's Title IX Coordinator or a report signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual misconduct, sexual harassment, or other sex-based discrimination against a student or employee. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school. According to the guidelines set by the U.S. Department of Education in 2020; this includes details about the alleged incident, the involved parties, and a request for the institution to take action to address the. Under Title IX, the University must have a Formal Complaint to pursue and resolve the reported incident.
5. **Formal Resolution** under the University's Sexual Misconduct Policy and Title IX is a grievance process that begins when a Formal Complaint is filed alleging sex discrimination or other forms of sexual misconduct. This grievance process ends (1) if the parties agree to resolve the matter through the Informal Resolution process; (2) the Complainant withdraws their complaint; (3) if after an initial assessment by the Title IX Coordinator and any additional requests for information it is determined there is insufficient information to continue with a Formal Complaint of this nature (i.e. the matter cannot officially continue as a Title IX case but can be referred to be resolved by other University grievance processes); or (4) after a due process that includes an investigation, adjudication, and any associated appeal.
6. **Grievance Procedures** is the process the University follows to resolve formal complaints of sex discrimination or sexual misconduct that is fair, equitable, and incorporates due process principles. The process ensures that all parties are treated fairly and that the grievance process is not used for retaliation.
7. **Incapacitation** is when a person lacks the ability to voluntarily agree (i.e., give Affirmative Consent) to sexual activity because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that sexual activity is occurring, or is unable to appreciate the nature and quality of the act. Incapacitation is not necessarily the same as legal intoxication. A party who engages in sexual conduct with a person who is incapacitated, under circumstances in which a reasonable sober person in similar circumstances would have known the person to be incapacitated is responsible for Title IX Prohibited Conduct. Except for sanction considerations, it is not a defense that the Respondent's belief in Affirmative Consent arose from their own intoxication.
8. **Informal Resolution (IR)** under this policy and Title IX is a voluntary agreement between parties involved in allegations of sex discrimination or other sexual misconduct. It's an alternative to a formal investigation and can be used to address allegations of this policy or sex discrimination violations. The IR process is intended to be flexible and provide a range of possible outcomes. The IR process is mediated by a trained IR administrator. The final outcomes of the IR must be agreed upon by the parties and the Title IX Coordinator.
11. **Parties** means the Complainant or Respondent
12. **Prohibited Conduct** is the term used collectively 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, and related retaliation. Title IX Prohibited Conduct calls out specific behaviors where the University uses the collective term sexual misconduct for the same violations.

13. **Pregnancy or Related Conditions** means:
  - a. Pregnancy, childbirth, termination of pregnancy, or lactation;
  - b. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
  - c. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
14. **Relevant** means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.
15. **Remedies** means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the University's education program or activity after the University determines that sex discrimination occurred or the result of an Informal Resolution. Remedies may include Supportive Measures, but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
16. **Report** shall mean a form of communication a concern or complaint that is done in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination, sexual harassment or other forms of sexual misconduct. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
17. **Respondent** shall mean the individual reported to have allegedly committed the violation of the University's Sexual Misconduct Policy. 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.
18. **Sex Discrimination** is prohibited behavior under Title IX and by the NMT Sexual Misconduct Policy, and it includes Sexual Harassment, Sexual Assault, Dating and Domestic Violence, Stalking, Disparate Treatment, and Disparate Impact.
19. **Retaliation** is an action that may take the form of intimidation, threats, coercion, or another adverse action (e.g., doing an end run around §106.45, releasing confidential information about parties, etc.) that would deter a reasonable person from exercising civil rights protected under the laws enforced by OCR and occurs when a person is discriminated against for taking actions that are protected by civil rights laws. As this relates to this policy, an individual took adverse action (materially adverse, not trivially adverse) against another because of their involvement in the Sexual Misconduct or Title IX resolution process (in some way).

20. **Sexual Misconduct** shall mean the University's comprehensive term for any form of sex discrimination, sex-based harassment, sexual violence/assault, stalking, and intimate partner violence as defined in section III. Violation 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.
21. **Standard of Evidence** is the degree of certainty or the amount of evidence required to establish a violation has occurred. New Mexico Tech utilizes the Preponderance of the Evidence for resolving complaints under this policy. In the Preponderance of Evidence Standard, the University would need to determine it was more likely than not that violation (e.g. sexual misconduct, harassment, abuse) occurred to find the Respondent to be in violation of this policy. This standard is not as stringent as the Clear and Convincing Standard or Beyond a Reasonable Doubt Standard.
22. **Student With a Disability** means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).
23. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
25. **Title IX** or 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. Sex discrimination and other forms of sexual misconduct 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 excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."
26. **Title IX Prohibited Conduct** means conduct or behavior that is prohibited under Title IX (i.e. sex discrimination).
27. **Trauma-Informed Response** means a response involving an understanding of the complexities of sexual misconduct dating violence, domestic violence, sexual assault and

harassment or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding the causes and impacts of trauma with an understanding of perpetration methodology and how to conduct an effective investigation.

28. **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.
29. **University-Sponsored Activities and Educational Programs** shall mean any program or event sponsored by the University, including but not limited to those sponsored by student groups. These activities can be hosted at on or off-campus venues.

#### POLICY REVISION APPROVAL

Signature, President  
New Mexico Tech

Signature, Chair  
Board of Regents or NMT

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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# ALCOHOL AND DRUG POLICY

In compliance with the Drug-Free Schools and Communities Act (DFSCA), New Mexico Tech distributes this policy annually to all students and employees. The notification includes information on standards of conduct, applicable laws, health risks, counseling and support resources, and disciplinary sanctions.

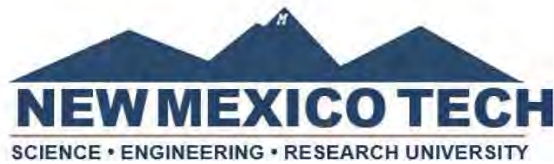
The policy covers:

- Standards of conduct that prohibit unlawful possession, use, or distribution of alcohol and drugs on campus and at University-sponsored events
- Federal, state, and local legal sanctions for unlawful use of alcohol and drugs
- Health risks associated with drug and alcohol abuse
- Counseling, treatment, and rehabilitation resources available to students and employees
- University disciplinary sanctions for violations of this policy

The full policy is reproduced in the following pages of this report. In the event the policy is updated before the next Annual Security and Fire Safety Report cycle, the most current version is always available at:

<https://www.nmt.edu/policies> → Office of the President → NMT Drug and Alcohol Policy





# Drug and Alcohol Policy

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New Mexico Tech  
Office of the President

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.

Responsible University Office:

- Office of the President

Effective Date: August 19, 2019

Date Revised: September 15, 2023

December 15, 2023

Policy Owner(s):

- Vice President for Student Life
- 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.



## 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 [Guide to Conduct and Citizenship for Students, Housing & Residential Life 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

- 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

##### **For Students**

New Mexico Tech Office of Counseling Services

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

575-835-6619



New Mexico Tech Student Health Center

<https://www.nmt.edu/studenthealth/>

575-835-6619

**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

Revision Dates:

Amended 9-15-2023

Amended 12-15-2023 (only hypertext updates)

# HAZING DISCIPLINE AND PREVENTION POLICY

Federal law now requires institutions to include their Hazing Policy in the Annual Security and Fire Safety Report. New Mexico Tech prohibits hazing in any form and affirms its commitment to providing a safe, supportive, and respectful campus environment.

The policy covers:

- Definitions of hazing and prohibited conduct
- Responsibilities of individuals and organizations
- Reporting and investigation procedures
- Disciplinary sanctions for individuals and groups
- Prevention, education, and training programs

The full Hazing Discipline and Prevention Policy (SA-06.1-2025) is reproduced in the following pages of this report.

In the event the policy is updated before the next Annual Security and Fire Safety Report cycle, the most current version is always available at:

<https://www.nmt.edu/policies> → Office of Student Affairs → SA-06.1-2025 → Hazing Discipline and Prevention Policy

*Note: Statistics on hazing incidents will first appear in the 2026 Annual Security and Fire Safety Report, reflecting reports from the 2025 calendar year.*



# Hazing Discipline and Prevention Policy

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Office of the Student Affairs

Policy Document Number: SA-06.1-2025

Adopted by the Office of the Student Affairs: 09/15/2025

Policy Updates: 06/10/2025

<p><b>Policy Purpose:</b> The policy establishes a process for reporting and addressing hazing incidents, ensuring accountability and the promotion of a safe and respectful campus environment.</p>
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## POLICY STATEMENT

It is the responsibility of all individuals associated with New Mexico Tech (NMT) to encourage an atmosphere of learning, social responsibility, and respect for human dignity. Hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Hazing is an unproductive and hazardous activity that is incongruous with the mission and values of NMT and has no place at this university, either on or off campus. This policy applies to all persons and groups associated with the university, including, but not limited to, administrators, coaches, faculty, staff, students, student club advisors, sports club teams, and other registered student clubs and organizations.

Noncompliance with this policy may result in disciplinary action up to and including termination or expulsion. NMT supports an environment free from retaliation. Retaliation against any member of the campus community who brings forth a good faith concern, asks a clarifying question, or takes part in an investigation is prohibited.

This policy is **not** intended to prohibit the following conduct:

- Customary athletic events, contests, or competitions that are sponsored by the university or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, extracurricular program, or military training program, as approved by the university.

This policy in compliance with [H.R.5646 Stop Campus Hazing Act](#) of 118th Congress which became effective 1 January 2025.

## INSTITUTIONAL GUIDELINES

The university is committed to promoting an environment where abusive behavior, harassment, and assault are never used as a pretext for building character, leadership skills, or group loyalty or unity.

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**Location**

This policy encompasses all acts of hazing whether the acts occur on or off campus. An act of hazing by an individual or club will be viewed by the university as a violation of this policy, regardless of where the act of hazing took place.

**Individual & Club Responsibility**

Organizations, acting through their leadership and their membership, are expected to use good judgment to determine the abilities of individual students as they relate to organizational activities and requirements.

Both individuals and organizations may be held responsible for their actions and participation in incidents of hazing. If an investigation concludes that an individual or individuals directed, engaged in, aided or otherwise participated in, actively or passively, an incident of hazing, disciplinary action may be imposed against the individual(s). If the investigation concludes that an organization knowingly permitted, authorized, or condoned hazing, disciplinary action may be imposed against the organization.

**Reporting:**

Anyone (a victim, a bystander, a witness, a friend, or any other person) may report a violation of this policy. The university can most effectively respond to reports when they are made as promptly as possible after the conduct has occurred. However, there is no time limitation on reporting alleged violations of this policy.

- Any suspected violation of this policy should be reported using the reporting form link, [Hazing Reporting Form](#).

**Investigation:**

A report or complaint of hazing shall be thoroughly investigated by the Dean of Students, the Affirmative Action and Compliance/EEOC Office, or the Office of Human Resources, as applicable.

**Disciplinary Action by the University:**

Any individual or organization found to be in violation of this policy shall be subject to the procedures set forth in the Student Code of Conduct [add link once new policy is approved], [Employee Handbook](#), or [Policy on Disciplinary Action due to Complaints Directed at Instructional Staff](#) and may be subject to appropriate disciplinary action up to and including expulsion or termination of employment.

**Prevention**

NMT will offer training to sports clubs and student clubs on the prevention and awareness

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related to hazing. All students will be made aware of the hazing policy, resources, and reporting form through a media campaign during Weeks of Welcome while Bystander training for Residence Assistants and leadership programs will also be provided.

### **EXAMPLES OF HAZING**

Below are examples of psychological, physical, and other types of hazing. These examples are not intended to be an exhaustive list of behaviors that may meet the definition of hazing.

#### **Psychological Hazing:**

- Blindfolding and parading individuals in public areas, blindfolding and transporting in a motor vehicle, or privately conducting blindfolding activities that serve no constructive purpose
- Confinement, for example, in an unreasonably small, unventilated, unsanitary, unlighted, or very loud space
- Verbal abuse
- Encouraging or requiring activities that disrupt a person's normal schedule. A normal schedule includes three reasonably spaced meals per day, the opportunity for sufficient rest at night (at least six full hours) and reasonable time for personal hygiene
- Encouraging or requiring a person to pretend to or actually violate a law
- Misleading an individual into believing that they will be hurt during an induction or initiation

#### **Physical Hazing:**

- Binding or restricting an individual in any way that would prohibit them from moving on their own
- Burning, branding, or tattooing any part of the body
- Sexual stimulation or public nudity.
- Burying in any substance (i.e. snow, sand, refuse)
- Carrying any items (shields, paddles, bricks, hammers, etc.) that serve no constructive purpose or that are designed to punish or embarrass the carrier
- Exposure to uncomfortable elements
- Forcing consumption of alcohol or any other substance, legal or illegal
- Paddling
- Spraying, painting, or pelting with any substance
- Tests of endurance

#### **Other Hazing:**

- Activities that interfere with academic pursuits
- Forced or involuntary excursions or road trips
- Encouraged vandalism, or the removal or destruction of public or private property

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- Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts; this encompasses observation of hazing activities by individuals in a position to intervene but failing to do so.
- Intentional social exclusion, isolation, ignoring, or "cutting out" of individuals or groups with the intent to cause emotional distress, humiliation, or a feeling of worthlessness.
- Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts; this encompasses observation of hazing activities by individuals in a position to intervene but failing to do so

## **DEFINITIONS**

### **Student**

The University considers an individual to be a “student” when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University. The term “student” includes individuals who are dually or concurrently enrolled, visiting/guest, online, and/or non-degree seeking. The Equal Employment Opportunity Commission (EEOC) office may be involved in employee-related conduct if the student is an employee. In this policy, the term students will also apply to student groups.

### **Student group**

Shall mean an affiliated or associated group, club, or organization that is or has been registered as a University student group under applicable University policies or the New Mexico Tech Student Government Association Constitution.



## APPENDICES

[H.R. 5646 - Stop Campus Hazing Act](#)

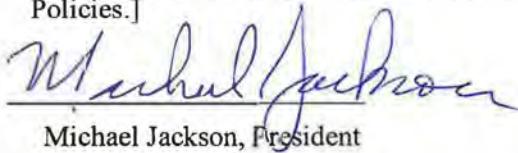
Prohibited Conduct <https://www.nmt.edu/studentlife/dos/documents/Prohitbed%20Conduct%20Document.pdf>

Prohibited Conduct Document

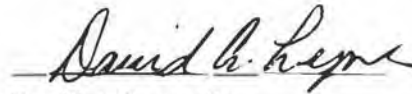
Student Code of Conduct

**AUTHORITY**

[New Mexico Constitution (Article XII, § 13) and interpreted by the NM Supreme Court, the Board of Regents and OP-01- Policy on Development, Amendment, and Rescindment of Policies.]



Michael Jackson, President  
New Mexico Tech



David A. Lepre, Sr.  
Board of Regents

**Policy Title: SA-06 HAZING DISCIPLINE AND PREVENTION POLICY**


**New Mexico Tech Policy Signature and Approval Document**

Legal Review (if applicable):

 \_\_\_\_\_  
Signature Title Date  
Attorney 9/15/25


Campus Community Review Dates: 8/5/25 to 8/27/25  
10 Business Days

Approval by Sponsoring Vice President:

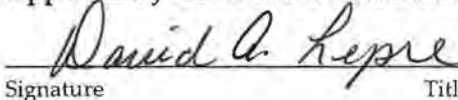
 \_\_\_\_\_  
Signature Title Date  
VPSA 9/15/25

Approval by President:

Approved on this date by Dr. Michael Jackson, Acting President, New Mexico Institute of Mining and Technology. Minor editorial revisions may be made. Content of this policy cannot be changed.

 \_\_\_\_\_  
Signature of the President Date  
9/15/25

Approval by Chair of the Board of Regents (if applicable):

 \_\_\_\_\_  
Signature Title Date  
9/15/25

# CLERY CRIME STATISTICS: 2022-2024

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), New Mexico Tech publishes crime statistics for the three most recent calendar years. These statistics include reports made to the New Mexico Tech Police Department, Campus Security Authorities, and local law enforcement agencies.

## Clery Geography Definitions

- **On-Campus** – Any building or property owned or controlled by New Mexico Tech that supports the institution’s educational purposes.
- **Residential Facilities** – A subset of on-campus property that includes student housing facilities.
- **Non-Campus Property** – Buildings or property owned or controlled by recognized student organizations or the university, not within the main campus boundaries.
- **Public Property** – Public areas, including streets, sidewalks, and parking areas adjacent to campus.

## Note on Crime Classifications

The crime statistics in this report are classified and counted using federal Clery Act definitions. These categories may differ from terms and definitions under New Mexico state law. For example, an incident classified as “aggravated assault” under Clery reporting may be charged under New Mexico statutes as “aggravated battery” or another related offense. Using Clery definitions ensures consistency and comparability across all colleges and universities nationwide, but may not reflect the exact terminology used in state law or criminal proceedings.

*In short, these numbers may not always line up with how crimes are labeled in New Mexico law or in court records, but they do reflect what was reported to campus police, other officials, or local agencies.*

## How to Read These Tables

- The numbers represent reports received, not necessarily charges filed or criminal convictions.
- A single incident may appear in more than one category if multiple crimes were reported.
- “On-campus residential facilities” is a subset of the “on-campus” category.
- “Unfounded crimes” are reports that a law enforcement agency later determined to be false or baseless.

These statistics are one way New Mexico Tech stays accountable to the campus community. They provide a snapshot of reported crimes and safety concerns so that students, employees, and visitors can make informed decisions about their safety.



## CRIMINAL OFFENSES - 2022-2024

Offense	Year	On-Campus	Residential Facilities*	Non-Campus	Public Property
Murder / Non-negligent Manslaughter	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Fondling	2022	0	0	0	0
	2023	0	0	0	0
	2024	2	2	0	0
Incest	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Robbery	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2023	0	0	0	0
	2024	2	1	1	0
Burglary	2022	0	0	0	0
	2023	0	0	0	0
	2024	3	2	1	0
Motor Vehicle Theft	2022	4	0	0	0
	2023	0	0	0	0
	2024	1	0	1	0
Arson	2022	1	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
*Residential Facilities are a subset of On-Campus.					

## VAWA OFFENSES - 2022-2024

Offense	Year	On-Campus	Residential Facilities*	Non-Campus	Public Property
Dating Violence	2024	0	0	0	0
	2023	1	1	0	0
	2022	2	0	0	0
Domestic Violence	2024	1	0	1	0
	2023	1	1	0	0
	2022	0	0	0	0
Stalking	2024	0	0	0	0
	2023	1	1	0	0
	2022	2	2	0	0

# ARRESTS AND DISCIPLINARY REFERRALS

Category	Year	On-Campus	Residential Facilities*	Non-Campus	Public Property
Weapons Law Violations – Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Weapons Law Violations – Referrals	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Law Violations – Arrests	2024	1	0	1	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Law Violations – Referrals	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Liquor Law Violations – Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	2	0	0	0
Liquor Law Violations – Referrals	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

# HATE CRIMES

New Mexico Tech is required to report statistics for hate crimes that are motivated by bias based on race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. Hate crimes include all Clery criminal offenses, as well as incidents of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property when motivated by bias.

Offense (Motivated by Bias)	Year	On-Campus	Residential Facilities*	Non-Campus	Public Property
Larceny-Theft	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Simple Assault	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Intimidation	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Destruction/Damage/Vandalism of Property	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

*“No hate crimes were reported for the years 2022, 2023, or 2024. If a hate crime had been reported, it would be categorized in the table above by offense type, location, and the category of bias motivation.”*

# UNFOUNDED CRIMES: 2022-2024

The Clery Act requires institutions to report the number of crime reports that were later determined to be “**unfounded**.” An unfounded crime is one that a sworn law enforcement agency, after a full investigation, determines to be false or baseless. Only sworn law enforcement officers may make this determination.

Year	Number of Unfounded Crimes
2024	0
2023	0
2022	0



# FIRE SAFETY SYSTEMS

Facility	Fire Alarm Monitoring	Sprinkler System (Full/Partial/None)	Smoke Detection	Fire Extinguishers	Evacuation Maps/Posting
Altamirano	Y	Full	Y	Y	Y
Desert Willow	Y	None	Y	Y	Y
Baca	Y	None	Y	Y	Y
South	Y	None	Y	Y	Y
West	Y	None	Y	Y	Y
Presidents	Y	Full	Y	Y	Y
Driscoll	Y	None	Y	Y	Y
Torres	Y	Full	Y	Y	Y
Mountain Springs	Y	None	Y	Y	Y

# FIRE STATISTICS BY RESIDENCE HALL

Facility	Year	Number of Fires	Injuries Requiring Treatment	Deaths	Estimated Property Damage
Altamirano	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Desert Willow	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Baca	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
South	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
West	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Presidents	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Driscoll	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Torres	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Mountain Springs	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

Incident Details: No fires were reported in on-campus student housing for 2022, 2023, or 2024.

## FIRE DRILLS: 2022-2024

Facility	2024 Drills (#)	2023 Drills (#)	2022 Drills (#)
Altamirano	5	5	5
Desert Willow	4	4	4
Baca	4	4	4
South	4	4	4
West	4	2	0
Presidents	2	4	4
Driscoll	4	4	4
Torres	4	4	4
Mountain Springs	4	4	4