



2020

The Clery Act requires all colleges and universities across the country to publish an annual safety report by



It is preferred that UNM-Gallup faculty and staff who are the victim of, or witness to, any crime on the

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**Crimes that must be reported are:**

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## Reporting To and Overview of the UNM-Gallup Police Department

All UNM-Gallup police officers are required to meet state certification standards mandated by the New Mexico Department of Public Safety. UNM-Gallup police officers are commissioned by the UNM Board of Regents (Section 29-2 NMSA 1978). They have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances and campus traffic regulations, and the authority to arrest.

The UNM-Gallup Police Department investigates complaints of campus criminal activity, working closely with the McKinley County Judicial District Attorney's Office to ensure effective prosecution. By statute, New Mexico State Police already has jurisdiction to enforce state laws within the entire state of New Mexico, which includes the UNM-Gallup.

In an emergency, you may dial 911 or 505-722-2002 (McKinley County Metro Dispatch). The 911 system

## **Off Campus Students and Student Organization Reporting of Crimes**

There are a number of recognized student groups at UNMGallup. At some point during the year, virtually all of the recognized student groups hold some type of meeting or event at an off-campus venue. Off campus law enforcement, should it be needed, would fall to the police agency that has jurisdiction.

When a UNMGallup student is involved in an off-campus offense, the law enforcement agency that has primary jurisdiction has



be followed up by an email notification to all individuals who have an unm.edu email address or members of the community who have signed up through the community site (as described below).





### **Reporting the Sexual Misconduct (Including Dating Violence, Domestic Violence and Stalking)**

Although the university strongly encourages all members of the community (faculty, staff and students) to immediately report sexual misconduct to law enforcement, you have a choice to make such a report, or you can decline to involve the police. Whether or not anonymity is requested, information about sexual violence and misconduct will be treated privately and be shared on a need-to-know basis, and as



financial assistance at UNMGallup

- Assistance with communicating with supervisors for on campus jobs, regarding work schedules and absences from work
- Assistance in creating safety strategies for student
- Assistance with visa or immigration status, should there be a potential for impact on those statuses
- Potential to impose Interim Emergency Bans on students or employees, ~~visa parents~~
- Assistance with no-contact directives,



still occur and decisions made based on the information available.

- To the same opportunity as the respondent to have others present at a meeting with University officials for support and/or consultation.
- To the same opportunity as the respondent to present and have others present evidence about alleged violations in investigatory and/or disciplinary proceedings.





other administrator, the next higher academic authority shall perform the functions assigned in this Policy to the chair, and the provisions shall be modified as appropriate. Any individual(s) bringing an allegation of faculty misconduct to the chair's attention is protected by, and subject to, the University's policy on reporting misconduct (UBPPM section 2200, Whistleblower Protection and Reporting Suspected Misconduct and Retaliation).

6. In all cases other than those set forth in paragraphs 3 and 4 above, if a member of the faculty is alleged to have violated a policy of the university, the chair shall refer the matter to the appropriate administrative authority. 4.6 (h) 30.9 (n) 9.2 (s) 24.1 4(P) 9.3 (P) 9.2 (M) 2.3 (s) 2.3 (e) 31 (c) 9.2

investigation and opinion from the Faculty Ethics Committee. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

10. If the chair, after meeting with the faculty member and considering all materials submitted pursuant to section 6, proposes to suspend the faculty member without pay, the chair shall meet with the dean to review the matter. If the proposal is supported by the dean after meeting with the chair and the faculty member, the faculty member is entitled to a faculty peer hearing. The faculty members shall send such a request to the Provost/Chancellor within five (5) working days of receipt of the dean's determination.

11. If a faculty peer hearing is requested as provided in this Policy, the chair of the Faculty Ethics Committee will arrange for a hearing before two members of that committee from outside the faculty member's department, chosen by the Faculty Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as reasonably possible and shall be conducted according to the university's Dispute Resolution Hearing Procedures. The University Secretary's office shall make arrangements for the hearing. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel may uphold or reverse the proposal to suspend the faculty member without pay. If the panel's decision is to reverse the proposal, the panel may direct the chair and dean to impose a lesser disciplinary measure. The panel's decision may be reviewed on the record by the Provost/Chancellor, but the panel's decision shall not be reversed or modified except in the case of clear error, which shall be detailed in writing by the Provost/Chancellor. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

12. The faculty member may bring a complaint before the Committee on Academic Freedom and Tenure (AF&T) if he/she believes the matter or its handling is within the jurisdiction of the Com(r)-9.8o(o)-22 (n )-7.



A discharge is a permanent involuntary separation of employm



- Sleeping during work hours.
- Theft, embezzlement, or fraud. Misappropriation or personal use of University funds, property, possessions, or resources. Failure to follow purchasing protocols. See [UAP 7205 \("Dishonest or Fraudulent Activities"\)](#)
- Insubordination—intentional or willful failure to obey a lawful and reasonable request of a supervisor

The results of a peer hearing may be appealed to the University President and the Board of Regents. Normally, they accept review only in extraordinary cases, such as those where proper procedures have not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy. If an appeal is accepted, it will first go to the University President. The Board of Regents has the discretion to review the University President's decision. The appeals are handled pursuant to [RP 1.5](#) ("[Appeals to the Board of Regents](#)")

## **STUDENT DISCIPLINARY PROCESS**

### **ARTICLE 4. DISCIPLINARY PROCESS**

#### **4.1. Prohibited Conduct**

The university may take disciplinary action against a student for a violation of the Student Code of Conduct when the offense occurs on university premises or at a university sponsored event, or when the violation occurs off campus and failure to



- Expulsion- means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
- Dismissal- means termination of student employment, either for a stated period or indefinitely.
- Barred from campus- means being barred from all or designated portions of the university property or activities.

Students living in UNM Residence Halls are subject to the following possible sanctions for misconduct occurring in the residence halls:

- Housing reassignment means the transfer of the student from one dorm room to another or one residence hall to another.
- Restricted from entry into specific residence halls, dining hall, combing, and other UNM housing facilities.
- Contract termination means the termination of the housing contract either for a stated period of time or indefinitely.

Under the University's Visitor Code of Conduct, which applies to the Albuquerque and all branch campuses, a visitor who commits violation of this Code, including a sex offense, is subject to the following possible sanctions:

- Verbal Warning -means an oral reprimand.
- Written Warning -means a written reprimand.
- Probation- means the establishment of a time period during which acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation.
- Removal from campus means being physically escorted or forcibly removed to a location off property owned or controlled by the university, by UNMPD or other university agents.
- Barred from campus- means being barred from all or designated portions of university property or activities.
- The sanctions of denial of admission, readmission or employment by the university.
- Additionally or alternatively any sanction applicable to a student under the Student Code of Conduct may be provisionally applied to a visitor, to be made effective should the visitor ever enroll or re-enroll at the university.

#### 4.2. Referral of Misconduct to the Dean of Student Affairs

A. Except as provided in Article 4.2(B) below, allegations of misconduct in violation of the Student Code of Conduct must be in writing and submitted to the Dean

C. Upon referral, or upon his or her own initiative, the Student Conduct Officer will review relevant evidence and consult with the person referring the allegation, the student accused, and any witnesses. The Student Conduct Officer will send written notification to the accused student indicating the nature of the activity in which the student was allegedly involved, and what university rules were allegedly violated. The student will be given the opportunity to meet with the Student Conduct Officer to review the options for resolving the charges. If the student fails to attend the meeting, the Student Conduct Officer will decide the charges based upon the information available and/or place a hold on the student's registration. The accused student will also be offered one or more of the following options to resolve the charges; however, the Student Conduct Officer is authorized to refer the charges to a formal hearing before the Student Conduct Committee even if the student does not elect a formal hearing. If a student fails to select a hearing process, the Student

Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

i. Mediation: This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal hearing will not be issued with regard to the Student Code of Conduct charges. However, failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action. Mediation will not be used to resolve complaints alleging sexual violence.

ii. Informal Disposition Conference: The accused student and Student Conduct Officer will informally discuss the alleged violation(s), the substantive facts and sanction can be agreed upon, a disciplinary action agreement will be prepared by the Student Conduct Officer and signed by the accused student. A signed disciplinary action agreement will constitute a waiver by the student of the right to an administrative hearing or formal hearing as well as any appeal, and an acceptance of the findings and sanction.

iii. Administrative Hearing with the Student Conduct Officer: This option allows the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges.

The party waives the right to question such individuals or otherwise participate in an evidentiary hearing. Administrative Hearings are not tape recorded. Within three weeks of the completion of all witness interviews, the Student Conduct Officer will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Officer may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct.

iv. Formal Hearing with the Student Conduct Committee: This option allows the accused student to respond to the charges, present witnesses on their own behalf and question witnesses. Formal hearings are tape recorded. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for violating the Student Code of Conduct, or may

D. When a case involves Student Code of Conduct charges against more than one party, the Student Conduct Officer will determine whether to hold one hearing to resolve charges against all parties or hold separate hearings for each accused student.

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chartered student organization, the Dean will meet, if requested, with the organization's president or other designated officer.

C. After the meeting, if the Dean finds that the person's continued presence endangers persons or property or threaten disruption of the academic process or other campus functions, the Dean shall the suspension and/or ban. Otherwise, the emergency suspension and/or ban shall be revoked.

D. For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in Article 4.2 (B) herein. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final for the university.

#### 4.4. Investigation of Complaints of Discrimination, Including Allegations of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Sexual Violence

A. Definitions- the following definitions apply to Article 4.4 of this Student Grievance Procedure:

i. "Discrimination" includes all forms of unlawful discrimination based on an individual's or group's protected class (es), including age (40 and over), ancestry/national origin, color/race, gender identity, medical condition, mental/physical disability, religion, sex/gender, sexual orientation, spousal affiliation, veteran status, and any other protected class as described in University Administrative Policy #2720; acts of sexual harassment as described in university

Administrative Policy #2730; and acts of sexual harassment, sexual misirl ssmraca.2 (s)--u.vs.(t)-4 ( P)ionn2

vii. "No Probable Cause" means that the evidence ~~stand~~ during the OEO investigation does not support a finding that it is ~~more~~ likely than not that the acts alleged are in violation of University policy prohibiting discrimination.

B. Allegation (s) that a student has engaged in an act of discrimination ~~is~~ referred to OEO for investigation pursuant to OEO ~~Discrimination~~ Claims

Procedure ~~if~~ it accepts the matter for investigation, OEO ~~will~~ issue a Final Letter of Determination at the conclusion of that investigation finding either No Probable Cause ~~or~~ Probable Cause that the accused student ~~has~~ committed an act in violation of the university's prohibitions against discrimination as defined herein. The accused student and complainant have the right to appeal ~~the~~ OEO Letter of Determination as provided

The Student Conduct Committee will hold a hearing when a party chooses the hearing option of a formal hearing before the Committee or when the Student Conduct Officer refers the matter to the Committee.

## 5.2. Composition

A. The Student Conduct Committee will consist of three members, ordinarily including one student, one faculty member and one staff member, with the Dean of Students serving as an additional voting member and Chair of the Student Conduct Committee. The student, faculty and staff members of the Student Conduct Committee are drawn from a standing pool consisting of faculty members designated by the Faculty Senate President; staff members designated by the Staff Council President and student members designated by the Presidents of SUNM and GPSA.

B. Students may not serve on hearing panels in cases involving allegations of sexual harassment, sexual violence, or sexual assault as described in University Administrative Policy #2790. In such cases, the Student Conduct Committee will be comprised of a mixed gender three person committee, all of whom have received appropriate Title IX training.

C. No one may serve on the Student Conduct Committee who has a conflict of interest or bias with respect to the case to be heard such that he or she cannot hear the case fairly and impartially, however, prior knowledge of the parties in the case or the conduct that is the subject of the case does not itself constitute a conflict of interest or bias. Allegations that a member of the Committee has a conflict of interest or is biased shall be reviewed by the Dean of Students, whose decision is final.

D. A party charged may be found responsible for violating the Code of Conduct by a majority vote of the Student Conduct Committee.

## 5.3 Investigation Report

The Student Conduct Officer will prepare an Investigation Report for the Student Conduct Committee. The Student Conduct Officer typically conducts interviews with the complainant, the accused student and any third party witnesses; visits and takes photographs at relevant sites if appropriate; and gathers other relevant evidence.

The Investigation Report includes, among other things, summaries of interviews with the complainant, the accused student and any third party witnesses; photographs of the relevant site(s); other relevant evidence; and a detailed written analysis of the issue in question. The Investigation Report will be provided to the Student Conduct Committee, the complainant and the accused student.

In cases involving allegations of discrimination as defined in Article 4.4 herein, the Final Letter of Determination issued by OEO will substitute for the Student Conduct Officer's Investigation Report. In such cases, the Student Conduct Committee may not consider the propriety of OEO's determination; rather, the Committee will be limited to determining what, if any, sanction will be imposed for the violation of

6.1.

an opportunity to review any such evidence at least three business days before the hearing, consistent with



2. The decision was not in accordance with the evidence presented;

3. There is significant new evidence of which the appellant was previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome, and/or

4.



c) Remand the decision issuing the sanction(s) on appeal in its/their entirety to the Student Conduct Committee and/or Student Conduct Officer for further proceedings.

A remand will generally occur only where new evidence, as provided in Article 7.3(A) (iii) herein, is to be reviewed or as otherwise determined by the President. Where a case is remanded, the subsequent decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the President as provided in Article 7.3 herein.

v. Appeals to the Board of Regents may be petitioned for from a decision of the President to uphold the sanctioning decision (s) issued by the Student Conduct Committee and/or Student Conduct Officer



5.

As a condition of continued registration and enrollment, any student shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion. For detailed information, students should refer to the Student Code of Conduct and related policies printed in *The UNM Pathfinder* (<http://pathfinder.unm.edu>) and/or contact the Dean of Students Office.

UNM's response to any violation of this policy may include a total or partial alternative to disciplinary action, a requirement that the employee or student participate satisfactorily in an approved substance abuse treatment or rehabilitation program as a condition of continued employment or registration/enrollment. Any employee engaged in the performance of work under a federal contract is required, as a condition of employment, to notify his/her supervisor if he or she is convicted of a criminal drug statute violation occurring in the workplace within five days of such conviction. The supervisor shall notify the University Counsel's Office. Failure of the employee to notify the supervisor shall be grounds for disciplinary action.

In recognition of the dangers of substance abuse in the workplace, UNM will maintain alcohol and drug free awareness programs to inform members of the University community about (d)-21.3 (dr)-36.8yop8.9 (r)



All schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 2 yrs. Fine not more than
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		\$200,000 if an individual, \$500,000 if not an individual.
<b>DRUG</b>	<b>QUANTITY</b>	<b>1ST OFFENSE</b>
		<b>2ND OFFENSE</b>

Marijuana 1,000 kg or  
 more mixture;  
 or DC 0 Tc -0 ( mixD01 Tw 12 -0 0 12 121.( mixD01 Tw 12 -0 0 1 (DC 0 Tc -0 ( 1ix)2 (t)-403.

LSD Other drugs	(to sell, barter, give away, distribute)	(3rd degree Felony)
Prescription Drug Cocaine/Heroin LSD, Other drug	2nd or subsequent Offense Trafficking	9 yrs. \$10,000 (2nd degree Felony)
Marijuana	Possession, <1 oz. 1st offense Possession, -8 oz. 1st offense	Tw

**Other Campus and Community Resource :**

**AGORA Crisis Center – 505-277-3013**

**NM Council on Alcoholism and Drug Dependence - 505- 256-8300**

(for intervention services and information on community treatment resources and recovery groups, e.g.,

AA, ACOA, Al-Anon, Rational Recovery, Women for Sobriety)

**Suicide Prevention Emergency Service (24 hours) – 505-247-1121**

**University Hospital Emergency Dept. – 505-272-2411**

**UNM Center on Alcoholism, Substance Abuse and Addictions (CASAA) – 505-925-2300**

**UNM Department of Psychology Clinic – 505-277-5164**

**UNM Employee Resource Center (ERC) – 505-277-5164**

## SEX OFFENDER REGISTRATION

In accordance with the Campus Sex Crimes Prevention Act of 2000 (CSPA), the UNM Gallup PD is providing a link to the New Mexico Department of Public Safety for law enforcement agency information concerning registered sex offenders. The CSPA requires institutions of higher education to inform campus community where law enforcement information about registered sex offenders may be obtained. It also mandates that sex offenders who are required to register in a State also give notice of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Additionally, the New Mexico Sex Offender Registration and Notification Act requires a convicted sex offender who is employed by, enrolled at, volunteering with or carrying on a vocation at an institution of higher education to register with the university's law enforcement department, university registrar, the county sheriff for the county in which the higher education institution is located.

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### **Intersections: Preventing Discrimination and Harassment:**

The module raises awareness on the various topics of discrimination, harassment and sexual violence. Intersections includes animated scenarios, skill practices, UNM policies and resources, sound and closed caption (CC) capability. The training is one hour in length for both faculty and staff, which includes content that:

- Covers sexual misconduct prevention and risk reduction, including dating violence, domestic violence, sexual assault and stalking.
- States that sexual discrimination, which includes dating violence, domestic violence, sexual assault and stalking are prohibited.
- Reporting Options – including areas that are anonymous and those individuals that are mandatory reporters
- Discusses the importance of “consent”
- Discusses safe bystander information such
  - Using Humor
  - Group Intervention
  - Distraction
  - Using I Statements
- Defines Sexual Violence terms,

**Office of Equal Opportunity:**

<b>Campaign (Prevention and Awareness)</b>	<b>Target Audience</b>	<b>Frequency</b>
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The following tables contain statistics for Clery reportable crimes that have occurred within UNM Gallup Campus Clery reportable geography and has been gathered from the ACC Compliance Officer, UNM-Gallup PD, Campus Security Authorities (CSAs) and Surveys sent to Local Law Enforcement Agencies. The data encompasses the following information within UNM Clery Geography, as defined by the Clery Handbook unless otherwise noted.

#### Clery Reportable Crimes

Murder/Non-Negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter is defined as the killing of another person through gross negligence.

Rape is the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Incest is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is nonforcible sexual intercourse with a person who is under the statutory age of consent.

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

Arson– is any willful or malicious burning or attempt to burn, with or without intent to defraud, a



The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

a. Dating Violence includes, but it is not

**UNM Gallup Campus – Clery Crime Statistics (2019, 2018 and 2017)**

**Crime Classification**

	<b>2018</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>2017</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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