



FREQUENTLY ASKED QUESTIONS

Investigations and Accommodations

Related Policy: Sexual Misconduct Policy

Common Questions from Complainants

1. Who can I call for help? Are there any confidential resources available to me?

The following resources offer free and confidential services for complainants, including advocacy, counseling, emotional support and/or guidance through law enforcement and University reporting processes. These resources are available to complainants regardless of whether the Complainant choose to report the sexual harassment, sex-based discrimination, sexual assault, stalking, relationship violence or related retaliation (collectively, “sexual misconduct” or “prohibited conduct”) they experienced to law enforcement or the campus Title IX office.

- a. On-campus Emergency Resources:
 - i. NMT Police Department (NMPD or CamPo)- **911** from a campus phone or call (575) 835-5555 from a cell. phone or outside landline. CamPo is located in the Student Activities Center (SAC)
 - ii. Student Health Provider- (575) 835-5094; 1st floor Fidel; **Confidential Report** (information provided to a Confidential Report will not be shared without the individual's consent)
 - iii. Counseling Services- (575) 835-6619; 1st floor Fidel; **Confidential Report**
- b. On-campus Non-emergency Resources:
 - i. Title IX Coordinator- (575) 835-5953 or (575) 835-5880; titleixcoordinator@nmt.edu; Fidel Student Center 238
 - ii. Office of AA/EEOC- (575) 835-5005; Cramer Hall 115
 - iii. CamPo's non-emergency phone number is x-5434 from a campus line or (575) 835-5434 from a cell. phone or outside line.
 - iv. Complete and submit Tech’s online [Title IX & Sexual Misconduct Reporting Form](https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1) by clicking the URL below or by cutting and pasting this URL into your browser https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1. These reports can be made anonymous but this may limit the Institution's ability with follow-up questions and investigations.
 - v. Anonymous reports can also be made by victims and/or third parties using the online reporting form posted at [the NMT Affirmative Action Office](#), or the reporting hotline at (575) 835-5005.

- c. Community Resources & Partners:
 - i. Socorro General Hospital (SGH)- (575) 835-1140 select Emergency Room (ER) from the recording options
 - ii. Socorro Mental Health- (575) 835-2444
 - iii. Sexual Assault Nurse Examiners (SANE)- (505) 884-7263; Albuquerque (transportation available)
 - iv. Rape Crisis Center of Central New Mexico- (505) 266-7711 or (888) 881-8282
 - v. Presbyterian Medical Services- (575) 835-4444
- d. The University's Employee Assistance Program (EAP) is available to benefits-eligible employees. EAP provides confidential professional consultation and referral services to address any personal or work concern that may be affecting one's wellbeing. EAP can be reached at: Corporate Health Resource- (800) 348-3232

Each resource can assist a person to access the full range of services available. Students and employees accused of committing an act of sexual misconduct may obtain confidential and anonymous support and counseling at NMT's Counseling & Disabilities Office (CDO) in Fidel. Employees can receive support and advice from the Office of Human Resources or Office of AA/EEOC.

Here are the [NMT Sexual Misconduct Reporting Options & Procedures](#) and the [Spanish version](#).

2. I share a class or residence hall with the person who sexually assaulted me. Can someone help me change that?

The campus housing and residential life office, the various campus personal support resources and the campus Title IX office can assist complainants with requests for these types of accommodations and interim protective measures (e.g. another class section, housing relocation, a No Contact Order).

3. I missed a class/exam/assignment because I was sexually assaulted. Can someone help me address that?

Academic advisors and departments, the various campus personal support resources for complainants and the campus Title IX office can assist (e.g. Absentee Notification) Complainants with requests for these types of accommodations and protective measures.

4. How do I get a No Contact Order on campus and/or a Restraining Order?

Tech Title IX Coordinator can assist Complainants with these forms of Personal Protection Orders and with other safety planning.

5. Do I have to file a police report if I have experienced prohibited conduct?

No. If you have experienced prohibited conduct, you are encouraged to file a police report. However, whether to file a police report is your choice. You can initiate an investigation at the University without having to file a police report.

6. Do I have to initiate a University investigation if I have experienced prohibited conduct?

No, you do not need to initiate an investigation if you have experienced prohibited conduct.

7. If I initiate an investigation, will my parents find out?

No. The University does not contact your parents when you initiate an investigation. If you are under eighteen, however, and have disclosed prohibited conduct, the University may be obligated to contact your parents or legal guardians.

8. Who can explain the investigation process to me?

The campus Title IX office (Fidel Student Center 238) or Title IX Coordinator can explain the investigation process to you. You can ask the campus Title IX office about the investigation process without sharing any information about your experience. You can also contact the various campus personal support resources for Complainant assistance.

9. Are there resources on campus that can support me through the investigation process?

Yes, the various campus personal support resources (e.g. Advocates/Support Person/Advisor) for Complainants can provide support and advocacy for you during the investigation process, and an advocate from the various campus personal support resources for Complainants may accompany you to any campus Title IX office meetings, investigation or related hearing. The Title IX office can also provide a list of trained advisors, if needed.

10. Can I bring someone to the campus Title IX office meeting?

Complainant (i.e. survivors, victims) may have one (1) Support Person of your choice present during any related meeting, investigations, or hearings. A Support person may be a friend, advisor, parent, or an attorney so long as they are not a witness with information about facts material to the investigation. There is an information sheet and document you and your Advocate must sign to acknowledge their role in this process.

11. Is there a time limit for initiating an investigation?

No. There is no time limit for initiating a complaint or an investigation. However, the University is limited in the responsive action it can take once a Respondent is no longer a University member. Moreover, the amount of evidence that the campus Title IX office or its designee is able to gather about the prohibited conduct incident may decrease as time passes.

12. If I report that I was sexually assaulted while incapacitated by drugs or alcohol, will I get in trouble?

No. If you decide to initiate a complaint or an investigation, the campus Title IX office will focus the investigation on the alleged prohibited conduct. The University will not investigate whether you, the Respondent/s or any witness violated the student conduct code related to drug or alcohol consumption. 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.

13. Is it possible for a Complainant to remain anonymous during an investigation?

In most cases, no. The University's commitment to procedural fairness typically requires that a respondent be provided with the complainant's name. However, the campus Title IX office or its designee will determine if a request for anonymity can be honored on a case-by-case basis.

14. If a complainant does not want the University to investigate, does that mean nothing will happen?

Not necessarily. Even when a Complainant does not initiate an investigation, the University may take action. Depending on the particular situation, such action might include:

- Protective measures such as providing academic, housing or employment accommodations can be implemented whether charges are filed or not;
- providing general campus prevention or awareness training;
- making campus or facility safety improvements;
- reviewing policies or procedures with employees; or
- an investigation, in limited cases where the University is obligated to investigate even without the complainant's assent.

This is not an exhaustive list.

15. I am not affiliated with the University. Can I initiate an investigation against a University member?

Yes, if the alleged prohibited conduct occurred on University property, in the context of a University employment or education program or activity, or if the allegation indicates that the Respondent may present a danger or threat to the health or safety of University members. The campus Title IX office will consider the following factors, among others, in order to determine whether an allegation indicates that the respondent may present a danger or threat: whether the respondent is alleged to have used a weapon while committing prohibited conduct; whether the respondent is alleged to have used force while committing prohibited conduct; and whether the respondent has been alleged to have committed sexual assault, relationship violence or stalking against multiple Complainants.

16. Can I report prohibited conduct to the campus Title IX office if the Respondent is not a University member?

Yes. Although the University may not be able to investigate the incident and hold the respondent accountable, the campus Title IX office may be able to assist you in other ways, including providing information about the resources and support services available to you, helping you file a complaint with the respondent's institution or taking other appropriate steps to protect the University community.

17. Will the campus Title IX office access my phone records or medical information, such as the results of my sexual assault evidentiary examination, during the course of the investigation?

If this information is relevant to the investigation, the campus Title IX office will ask the Complainant to provide the information. Complainants may then decide to whether to provide this information to the campus Title IX office.

Common Questions from Respondents

18. I have been accused of violating this policy. What happens next?

If your conduct is being investigated, the campus Title IX office or its designee will contact you to arrange a meeting and provide you with information about the allegations, your rights, the investigative and applicable adjudicative processes. During the meeting, the campus Title IX office or its designee will share the specific allegations made against you and offer you the opportunity to provide information about these allegations. The campus Title IX office or its designee will ask you to identify other individuals who might have relevant information and to provide any other relevant evidence, such as text messages, videos, pictures, voicemails and other electronic communications or posts.

19. Can I bring someone to the campus Title IX office meeting?

Yes, you may have one (1) Support Person of your choice present during any related meeting, investigations, or hearings. A Support person may be a friend, advisor, parent, or an attorney so long as they are not a witness with information about facts material to the investigation.

20. Should I hire an attorney?

The decision to hire an attorney is a personal one that should be made in consultation with trusted individuals who can help you weigh your options. There is an information sheet and document you and your Advocate must sign to acknowledge their role in this process.

21. Am I required to participate in the campus Title IX office investigation?

You are only required to meet with the campus Title IX office to hear the allegations and learn about the prohibited conduct investigative and adjudicative processes. You are not required to respond to the allegations or provide other information to the campus Title IX office. However, if you do not provide information, the investigation will proceed based on the information available.

22. Are there resources on campus that can help me through the investigation process?

Yes, If you are an employee, you can contact the Office of Human Resources, AA/EEOC, or the Title IX office to find out whether there are resources available to assist you.

If you are a student, you can contact the Title IX office to determine what resources are available to assist you through the investigation process.

23. I am a student. Can the University move me from my class or residence hall room before an investigation and any associated hearing concludes?

The University may move you to another residence hall or move you to a different class section until the matter is resolved. Under limited circumstances, the University may suspend a Respondent or limit their access to certain University buildings during a prohibited conduct investigation or hearing. Every effort is made to provide interim accommodations or protective measures in a way that minimize the burden on all parties involved.

24. I am an employee. Can the University move me from my position before an investigation concludes?

Yes. In some cases, the University may suspend or reassign an employee during a prohibited conduct investigation or hearing process. Every effort is made to provide interim accommodations and protective measures in a way that minimize the burden on the individuals involved.

25. Are there confidential resources available to me?

Yes. If you would like to speak with someone confidentially, students may contact Counseling Services (575) 835-6619; 1st floor Fidel. Employees can contact NMT Employee Assistant Program (EAP): Corporate Health Resource- (800) 348-3232.

General Questions

26. Will the campus Title IX office interview all witnesses that a Complainant or Respondent identifies?

The campus Title IX office or its designee will interview witnesses who are identified as having relevant information relating to the allegations. The campus Title IX office or its

designee retains the discretion to determine which potential witnesses fall into this category. Generally, the campus Title IX office or its designee will not consider general information about a Complainant's or Respondent's character to fall into this category of relevant information, as this information has very low probative value and can be highly prejudicial.

27. Who has the burden of proof to find a policy violation?

When investigating a prohibited conduct report, the campus Title IX office, AA/EEOC or designee will help to gather relevant information and submit an Investigative Draft Report (IDR) to the decision authority (e.g. Administrative Hearing Officer, Hearing Panel) to determine whether the University's policies have been violated using a preponderance of the evidence standard. Neither the Respondent nor Complainant has the burden to prove that prohibited conduct occurred or did not occur. The campus Title IX office or designee will seek relevant information from the Complainant, Respondent and others as appropriate, but the burden to make the initial determination whether a policy violation has occurred rests with the University or its campus decision authority.