

2026

ANNUAL SECURITY AND FIRE SAFETY REPORT



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 a graduate of New Mexico Tech and Chief of Police, I feel that the safety of the students, staff, and faculty is paramount. In addition, everyone should 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.



LaDon Moten, Sr. Chief of Police/Public Safety
campuspolice@nmt.edu | 575.835.5434

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.

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>.



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

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.



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: [Campus Police](#)

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](#)

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.

For more information, contact the Office of the Dean of Students at 575.835.5548 or 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)
- ***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, 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.

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.



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

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

Campus-wide Administrative Policy

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

Responsible University Office:

- Office of the President

Effective Date: 3/21/2019

Date Revised:

Policy Owner(s):

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

Policy contact(s):

- Title IX Coordinator

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FREQUENTLY ASKED QUESTIONS

CONTACTS

I. Policy Statements

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

discrimination, is strongly encouraged to report the incident(s) to the police department; victim survivor assistance; and/or internally with New Mexico Tech. New Mexico Tech officials can help stop the unwelcome behavior, remedy/resolve the situation with discipline, preventative, and interim measures, and recommend other related support services.

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

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

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

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

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

II. Terms (Alphabetized)

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

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

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

6. Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

Consent is not obtained where:

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

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

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

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

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

- B. **Complainant:** *Complainant* shall mean the individual who was allegedly subjected to the sexual misconduct. Throughout this policy, its related documents, and in other New Mexico Tech policies, the complainant may be referred to as the reporting party or impacted individual. Some advocates and other entities may also refer to the complainant as the victim or survivor.

- C. **Incapacitation:** *Incapacitation* is the physical and/or mental inability to make informed rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where an intoxicant is involved, incapacitation is a state of intoxication where the intoxicant consumed impairs a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.
- D. **Intimate Partner Violence:** *Intimate Partner Violence* shall mean the University's term that encompasses relationship violence, domestic violence, domestic abuse, and date violence that includes physical, sexual, or psychological harm as defined below in Sections III. below, as well as under the Student Code of Conduct within [Student Handbook](#) and [Employee Handbook](#).
- E. **Prohibited Conduct:** *Prohibited Conduct* is the collective term utilized by the University referring to behaviors that all University employees and students are prohibited from engaging in, or assisting or abetting another's engagement in, such as sexual misconduct, intimate partner violence, stalking, harassment, discrimination, and related retaliation.
- F. **Respondent:** *Respondent* shall mean the individual reported to have allegedly committed the sexual violence or sexual misconduct. Throughout this policy, its related documents, and in other New Mexico Tech policies, the respondent may also be referred to as the accused or perpetrator.
- G. **Retaliation:** *Retaliation* is any form of intimidation, reprisal or harassment against an individual because the individual has made a report of sexual misconduct or has participated in an investigation of sexual misconduct by or of an University community member including:
1. firing, refusing to hire, or refusing to promote the individual;
 2. departing from any customary employment or academic practice regarding the individual;
 3. transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status;
 4. informing another student, staff or faculty member who does not have a need to know that the individual has made a complaint or participated in an investigation of a complaint of sexual misconduct; and
 5. impeding the individual's academic advancement in any University activity or program. In order for a behavior to be retaliation, the negative action must have been taken because of the report or participation in the investigation.
6. **Sexual Harassment:** *Sexual Harassment* is any unwelcome conduct that is sexual in nature that is so serious, pervasive, and objectively offensive that it effectively denies a person equal access to their educational or employment.
- H. **Sexual Misconduct:** *Sexual misconduct* shall mean the University's comprehensive term for any form of sexual harassment, sexual violence/assault, stalking, and intimate partner violence as defined in this section and violations outlined in Section IV. below. This can be any Title IX offense or any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person. It can also be actual, attempted or threatened sexual contact with another person without that person's consent.
- I. **Standard of Evidence:** *Standard of evidence* is the degree of certainty required to establish a violation has occurred. New Mexico Tech utilizes the clear and convincing standard of evidence for resolving complaints under this policy. In the clear and convincing evidence standard the degree of certainty is that it is substantially more likely to be true than untrue; highly probable. This is a more stringent standard than a preponderance of the evidences standard but less stringent than a beyond a reasonable doubt standards.
- J. **Title IX:** *Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et. Seq., with*

implementing regulations, 34 C.F.R. Part 10, is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, sexual assault and other forms of sexual misconduct are considered sexual discrimination under federal law, all of which interfere with a student's right to receive an education free from discrimination or an employee's right to a discrimination-free work environment. According to Title IX, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

- K. **Title IX Prohibited Conduct:** the collective term used in this Title IX Procedure to refer to the conduct described in the definitions for Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking. This term also includes attempts to commit any such conduct or knowingly aiding or facilitating another person to commit any such conduct.
- L. **Title IX Sexual Harassment:** conduct, on the basis of sex that satisfies one or more of the following:
 - 1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it denies a person equal educational access.
 - 2. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. e.g. *Quid Pro Quo*
- M. **University Property:** *University property* shall mean all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, either solely or in conjunction with another entity.
- N. **University-Sponsored Activities:** *University-sponsored activities* shall mean any program or event sponsored by the University, including but not limited to those sponsored by student groups.

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

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

3. The frequency of interaction between the persons involved in the relationship.

Act is a misdemeanor crime and constitutes contempt of court and may result in a fine or imprisonment or both.

- C. **Domestic violence:** under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery, and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child, or person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order of protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.
- D. **Intimate partner violence:** is the general term the University will utilize to encompass domestic violence, domestic abuse, and dating violence that includes physical, sexual, or psychological harm (e.g. emotional abuse) as defined above.
- E. **Non-consensual oral sex:** non-consensual contact between one person’s mouth and the genitals or anus of another person.
- F. **Rape:** non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
- G. **Sexual assault*:** actual or attempted sexual contact without affirmative consent; or a threat to engage in contact that would be, if the threat were carried out, sexual contact without affirmative consent. Some forms of sexual assault include:
1. Penetration of the victim’s body, also known as rape
 2. Attempted rape
 3. Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator’s body
 4. Fondling or unwanted sexual touching
- * Source: The Rape Abuse and Incest National Network (RAINN)
- H. **Sexual contact/battery:** non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.
- I. **Sexual exploitation:** taking sexual advantage of another person without consent, including, without limitation, indecent exposure; voyeurism; non-consensual recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; and/or allowing third parties to observe private sexual acts. The use of technology, electronic mail or computer dissemination of gender-based communications or sexually explicit images; and the posting of pornography or other sexually explicit materials in University offices, classrooms or any other public area owned or controlled by the University.
- J. **Sexual harassment:** Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment covered by this policy generally falls into one of two categories: quid pro quo and hostile environment. Conduct of a sexual nature becomes a violation of this policy when:
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement (**quid pro quo**);
 2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual (**quid pro quo**); or
 3. unwanted conduct of a sexual nature is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive as to deny or limit a person’s ability to participate in or benefit from the

University's programs, services, opportunities, or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment (**hostile environment**).

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

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

Also, the following factors will be considered:

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

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

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

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

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

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

K. **Sexual violence:** refers to physical sexual acts perpetrated with force or coercion against a person's will; or where a person has not given consent as defined in this policy or is unable to consent due to their use of alcohol or drugs, or disability, or age.

L. **Stalking:** is a course of conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to feel fear. This can be in a physical form or electronically. Under New Mexico law, "stalking" is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. "Aggravated stalking" consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

IV. Sanctions

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

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

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

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

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

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

V. Jurisdiction

- A. The Dean of Students Office (DOSO), Office of Graduate Studies (OGS), and AA/EEOC are not law enforcement agencies. As such, while they are charged with investigating allegations of sexual violence and misconduct as provided in this policy, they do not enforce criminal statutes. Enforcement of criminal statutes is the sole jurisdiction of law enforcement agencies. Similarly, while they generally have jurisdiction to administratively investigate claims of sexual misconduct, depending on the allegations made, the DOSO, OGS, and AA/EEOC may not have jurisdiction to investigate all alleged sexual misconduct. The information received from an individual reporter/s or complainant/s will be reviewed and a determination will be made as to whether the DOSO, OGS or AA/EEOC has jurisdiction over the concerns.
- B. Conduct occurring off-campus can be the subject of a complaint or report and will be evaluated to determine whether it implicates this policy or the [Student Code of Conduct](#). If off-campus sexual misconduct has continuing effects that create a hostile environment on campus for an individual who has experienced sexual misconduct, the University may take interim measures and depending on the circumstances, will investigate the conduct.

VI. Amnesty From Disciplinary Action

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

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

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

VII. Privacy and Confidentiality

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

recurrence, and remedy its effects, and to satisfy the due process rights of the parties.

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

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

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

VIII. Rights of the Parties

- A. During the investigation following a report of sexual misconduct to New Mexico Tech, and prior to a final determination being made, the reporting party ("[complainant](#)") and responding party ("[respondent](#)") have equal rights. Below is a sample of the rights to which both parties are entitled:
1. To be treated with respect, dignity, and sensitivity throughout the process.
 2. To written notification about their right to change academic, living, transportation, or work situations even if they do not formally report or participate in the University's investigatory or disciplinary process.
 3. To written notification of a student or employee's rights and options, regardless of whether the crime took place on campus or off campus.
 4. To be provided information on how the University will protect the confidentiality of the parties.
 5. To notification of available services for mental health/counseling, advocacy, legal assistance, and other available community resources.
 6. To be informed of the University's sexual misconduct policies and procedures.
 7. To a timely and thorough investigation of the allegations.
 8. To participate or decline to participate in the investigation or disciplinary process. However, these processes may still occur and decisions made based on the information available.
 9. To the opportunity to have one (1) advisor/advocate present at any meeting or hearing with University officials for support and/or consultation.

10. To the opportunity to be present and have others (e.g. witnesses) provide evidence about alleged violations in disciplinary proceedings (informal or formal).
 11. To be notified, in writing of the outcome of any investigative, disciplinary, or appeals proceeding (both parties are free to share the outcome with anyone they wish).
 12. To disagree with the decision and/or sanctions determined by the informal/investigative proceedings.
 13. To request an appeal of the decision and/or sanctions determined by the formal disciplinary proceedings.
 14. To be protected from retaliation for their involvement in University's investigatory and disciplinary proceedings.
 15. To information on obtaining orders of protection and no contact orders.
- B. Respondents are only required to meet with the campus authority (e.g. Title IX office, AA/EEOC) to hear the allegations and learn about the prohibited conduct investigative and adjudicative processes.
1. Student Respondents who fail to attend this initial meeting with the campus authority in sexual misconduct cases will have a hold placed on their student account and in some situations will also receive an Interim Suspension until the time of the initial meeting occurs.
 2. Respondents are not required to respond to the allegations or provide other information to the campus Title IX office.
 3. However, if the respondent does not provide information, the investigation will proceed based on the information available.
- C. Individuals experiencing sexual or gender-based harassment or discrimination also have the right to file a formal grievance with government authorities:

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

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

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

While the University encourages an individual who has experienced sexual misconduct to make an official report, whether the person chooses to do so, they are urged to seek appropriate help. There are numerous resources for students and employees on campus at New Mexico Tech or externally in the community or region. Specific resources, either on or off campus for medical treatment, legal evidence collection, obtaining information, support, counseling, and officially reporting an incident of sexual

misconduct can be found on [New Mexico Tech's Title IX website](#) from the Title IX office, Counseling office and Health Center.

Those resources can assist a person to access the full range of services available. Students and employees accused (respondent) of committing an act of sexual misconduct may obtain confidential and anonymous support and counseling at New Mexico Tech's Counseling Center in the Fidel Center. Employees can receive support and advice from the Office of Human Resources or Office of AA/EEOC.

X. Interim Protective Measures

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

XI. Investigations

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

XII. Conduct Proceedings

New Mexico Tech's conduct procedures for resolving allegation of sexual misconduct against students is slightly different from those used to for employees. In these University conduct proceedings, both parties are allowed a support person present, such as an advisor, advocate or an attorney. The University utilizes the clear and convincing as the evidentiary standard for resolving a complaint of this policy. The due process followed by New Mexico Tech allows for an informal proceeding, a formal hearing, and an appeal process, if needed. The standard procedures are impartial and provide the opportunity for both the complainant and respondent to make statements, present witnesses, and evidence. Each party has the

right to be notified of the outcome of any University disciplinary or conduct proceeding concerning a complaint, subject to the limitations of the New Mexico Government Data Practices Act, as well as be informed of any appeal procedures. Both parties have the right to disagree with the informal proceedings and request a formal hearing, and request an appeal of the formal hearing's decision regarding the violation and/or any associated sanctions. Any other potential violation of the University's Student Code of Conduct or Employee Handbook will be addressed separately from the sexual misconduct allegation.

XIII. FERPA

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

XIV. Timely Warning Alerts/Emergency Notification

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

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

XV. Title IX Coordinator

The New Mexico Tech's Title IX Coordinator [(575) 835-5953 or titleixcoordinator@nmt.edu], oversees compliance with all aspects of the sexual or gender-based harassment, sexual discrimination, and this sexual misconduct policy. The Title IX Coordinator reports directly to President of New Mexico Tech. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to [make a report](#) relating to sexual or gender-based harassment, sexual discrimination, and sexual misconduct policy may do so by reporting the concern to the University's Title IX Coordinator.

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

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

XVI. Providing False Information

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

REASON FOR POLICY

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

PROCEDURES

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

APPENDICES

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

FREQUENTLY ASKED QUESTIONS

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

CONTACTS

Subject	Phone	Email
Title IX Coordinator	575-835-5953	<u>titleixcoordinator@nmt.edu</u>
AA/EEOC Director	575-835-5005	<u>affirmative-action@nmt.edu</u>
Director of Counseling	575-835-5780	<u>counseling@nmt.edu</u>
NMT Police Department	575-835-5434	<u>dispatcher@nmt.edu</u>

ALCOHOL AND DRUG POLICY

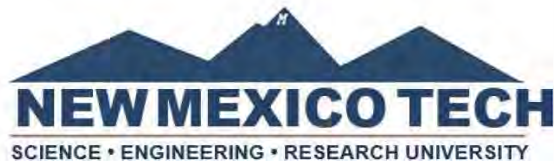
In compliance with the Drug-Free Schools and Communities Act (DFSCA), New Mexico Tech distributes this policy annually to all students and employees. The notification includes information on standards of conduct, applicable laws, health risks, counseling and support resources, and disciplinary sanctions.

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

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

(800)348-3232

For Students

New Mexico Tech Office of Counseling Services

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
575-835-2444

Alcoholics Anonymous National
www.aa.org/

Alcoholics Anonymous New Mexico
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



Hazing Discipline and Prevention Policy

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

Policy Purpose: The policy establishes a process for reporting and addressing hazing incidents, ensuring accountability and the promotion of a safe and respectful campus environment.
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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 is 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):

 Attorney 9/15/25
Signature Title Date

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

Approval by Sponsoring Vice President:

 VPSA 9/15/25
Signature Title Date

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.

 9/15/25
Signature of the President Date

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

 9/15/25
Signature Title Date

CLERY CRIME STATISTICS: 2023-2025

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 - 2023-2025

Offense	YEAR	On Campus	Residential Facilities	Non- Campus	Public Property
Murder / Non-negligent maslaughter	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Rape	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Fondling	2023	0	0	0	0
	2024	2	2	0	0
	2025	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Robbery	2023	0	0	0	0
	2024	0	0	0	0
	2025	2	2	0	0
Aggravated Assault	2023	0	0	0	0
	2024	2	1	1	0
	2025	1	1	0	0
Burglary	2023	0	0	0	0
	2024	3	2	1	0
	2025	8	8	0	0
Motor Vehicle	2023	0	0	0	0
	2024	1	0	1	0
	2025	0	0	0	0
Arson	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0

VAWA OFFENSES - 2023-2025

Offense	Year	On-Campus	Residential Facilities	Non-Campus	Public Property
Dating Violence	2023	1	1	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Domestic Violence	2023	1	0	1	0
	2024	1	0	1	0
	2025	0	0	0	0
Stalking	2023	1	1	0	0
	2024	0	0	0	0
	2025	0	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS

Category	Year	On-Campus	Residential Facilities	Non-Campus	Public Property
Weapons Law Violations- Arrests	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Weapon Law Violations- Referrals	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Drug Law Violations- Arrests	2023	0	0	0	0
	2024	1	0	1	0
	2025	0	0	0	0
Drug Law Violations - Referrals	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Liquor Law Violations- Arrests	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Liquor Law Violaions- Referrals	2023	0	0	0	0
	2024	0	0	0	0
	2025	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	2023	0	0	0	0
	2024	0	0	0	0
	2025	4	4	0	0
Simple Assault	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Intimidation	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Destruction/Damage/ Vandalism of property	2023	0	0	0	0
	2024	0	0	0	0
	2025	6	6	0	0

UNFOUNDED CRIMES: 2023-2025

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
2023	0
2024	0
2025	0

FIRE SAFETY SYSTEMS

Facility	Fire Alarm Monitoring	Sprinkler System (Full/Partial/None)	Column 4	Column 5	Column 6
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
Moutain Springs	Y	None	Y	Y	Y

FIRE STATISTICS BY RESIDENCE HALL

Facility	Year	Number of Fires	Injuring Requiring Treatment	Deaths	Estimated Property Damage
Altamirano	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Desert Willow	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Baca	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
South	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
West	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Presidents	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Driscoll	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Torres	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Mountain Springs	2023	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0

Incident Details:

No fires were reported in on-campus student housing for 2023, 2024, or 2025.

FIRE DRILLS: 2023-2025

Facility	2023 Drills	2024 Drills	2025 Drills
Altamirano	5	5	3
Desert Willow	4	4	4
Baca	4	4	4
South	4	4	4
West	2	4	3
Presidents	4	2	2
Driscoll	4	4	4
Torres	4	4	3
Moutain Springs	4	4	4



New Mexico Tech remains committed to providing a safe, secure, and supportive environment for our students, faculty, staff, and visitors. Campus safety is a shared responsibility, and we encourage every member of our community to remain aware, report concerns, and take an active role in promoting the well-being of those around them.

The New Mexico Tech Police Department will continue working closely with the campus community and our local partners to provide resources, education, prevention programs, and responsive services that support a safe learning and working environment.

As we move forward, we remain dedicated to strengthening communication, building trust, and continuously improving our safety efforts. We thank every member of the New Mexico Tech community for their cooperation and commitment to helping make our campus a safe and welcoming place.

Stay Aware. Stay informed. Stay Safe.

New Mexico Tech Police Department
2026 Annual Security Report

