

Respondent's Rights Quick Guide

You have a right to:

- Request accommodations or protective measures
- An adequate, reliable and impartial investigation
- Have an advisor of your choice present throughout any University proceedings
- Receive updates on your case periodically and by request
- Be protected from retaliation
- Receive information on resources for personal support

Retaliation

The University prohibits retaliation. Retaliation occurs when someone engages in intimidation, harassment, reprisal or other harmful action against another for making a report, participating in an investigation, or expressing opposition to misconduct.

As a respondent, you are both responsible for not retaliating against others for their participation in the investigation and protected from someone retaliating against you because you have made a report and participated in an investigation. To prevent retaliation, we advise that you be cautious about sharing information about the investigation with others. We also advise you to not contact the complainant unless such contact is necessary to complete your normal employment or academic work.

If you experience possible retaliation, please let us know right away so that we can address the situation appropriately.

Prohibition

All University members are prohibited from engaging in, assisting or abetting another's engagement in, sexual misconduct, relationship violence, stalking, and related retaliation (collectively "prohibited conduct").

Procedural Fairness Protections (e.g., due process)

The University is committed to providing all parties with strong procedural fairness protections, including notice of the allegations and investigation, the opportunity to present evidence and identify witnesses and an impartial and unbiased investigation process.

Confidentiality

The University will honor requests for confidentiality except where reporting is required by law (e.g. child abuse and neglect). Any report of gender-based discrimination, which includes sexual harassment, sexual misconduct, and sexual violence made to a faculty member, administrator, professional staff, TA, or RA must be reported to NMT's Title IX Coordinator. **To speak with a counselor confidentially, contact the Office of Counseling and Disabilities in Fidel (575-835-6619).**

Title IX Coordinator, Peter Phaiah

Brown Hall, Room 21A

575-835-5187 titleixcoordinator@nmt.edu.

More information on New Mexico Tech's Sexual Misconduct Policy and Complainant's rights can be found here:

<http://www.nmt.edu/titleix/index.php>



Respondent's Rights Related to Gender- based Discrimination/ Sexual Misconduct, Stalking, Relationship Violence, and Retaliation Cases



Sexual Misconduct Proceedings

Respondents (accused) can expect the following in connection with reports submitted under this policy:

- 1) Prompt and fair resolution of prohibited conduct reports.
- 2) Privacy in accordance with this policy and law.
- 3) Information about applicable support and advocacy resources.
- 4) Protection from retaliation as defined in this policy.
- 5) Timely notice of any meeting or proceeding.
- 6) Timely and equal access to information that will be used after the investigation and during disciplinary meetings and hearings, where available.
- 7) Receipt of periodic updates, and updates upon request, on the status of the investigation and adjudication procedures .
- 8) An explanation if the timeline for completion of the investigation and adjudication procedures is delayed.
- 9) Contact from the University after the investigation is concluded to determine whether additional supportive measures are needed.
- 10) Proceedings that are conducted by individuals who:
 - A) do not have a conflict of interest or bias;
 - B) receive annual training that protect the safety of the parties; and
 - C) treat all participants with dignity
- 11) To not be required to resolve prohibited conduct concerns directly through mediation.
- 12) A written explanation of applicable resources for respondent, including this document, and the opportunity to discuss those resources.

Complainants and respondents have the following opportunities in connection with reports submitted under this policy:

- To express concerns about the procedures or processes under Tech's sexual misconduct policy.
- To offer information, submit evidence, and identify witnesses during an investigation.

Complainants and respondents have the following obligations in connection with reports submitted under this policy:

- To not retaliate against any person as defined in this policy.
- To provide truthful information in connection with any report, investigation, proceeding or resolution under this policy.

Resources for Personal Support

Employee Assistance Program (confidential professional consultation and referral services to address employees' personal or work concerns) 800-348-3232 or 505-816-6790

Student Health Center (confidential) 1st floor Fidel: 575-835-5094 (x-5094 on-campus)

Counseling & Disability Services (confidential), 1st floor Fidel: 575-835-6619 (counseling x-6619 on-campus)

The National Domestic Violence Hotline 800-799-7233

National Sexual Assault Hotline 800-656-4673

New Mexico Coalition of Sexual Assault Programs, Inc. 505-883-8020, email: nmcsaas@swcp.com

Albuquerque Rape Crisis, 1025 Hermosa Dr. SE, Albuquerque, NM 87108, 505-266-7711
email: www.rape-crisis.org

Socorro Mental Health: 575-835-2444

Socorro General Hospital : 575- 835-1140 Emergency Room: 575-835-8370

Learn to Live (confidential online service to help students with issues related to stress, depression and anxiety)
<https://www.learntolive.com/>

Data Privacy Notice

NMT may collect information from you regarding reports of discrimination, harassment, sexual misconduct, nepotism or retaliation. Some of the information that we request from you may be private information under New Mexico and/or federal law. The University will use this private information to investigate or otherwise appropriately address reported misconduct, including potential violations of the University's policies related to discrimination, harassment, sexual misconduct, retaliation and/or nepotism.

You are not required by law or University policy to provide any information during this meeting and you may refuse to provide some or all of the information requested. If you decide not to provide information, you will not be subject to disciplinary action because of your decision not to provide information. In all formal investigations, we will make a decision about whether a violation of University policy has occurred based on the information available to us. If you do not provide information in a formal investigation, we will make a decision without the benefit of the information you have. If you decide to provide information, our expectation is that the information you provide will be truthful. Knowingly providing false, misleading or incomplete information can result in disciplinary action.

When possible, the University will only release private information about you and/or information that you provide to other University members who need this information to investigate, address and/or make decisions about reported misconduct. However, private information about you may be released if permitted or required under New Mexico or federal law.