NEW MEXICO TECH
SCIENCE • ENGINEERING • RESEARCH UNIVERSITY

ADMINISTRATIVE PROCEDURE

Procedures for Responding to Reports of Sexual Misconduct

Related Policy: **Sexual Misconduct Policy**

A. Reporting Parties

1. Any New Mexico Tech student or employee who has been sexually assaulted or physically harmed is strongly encouraged to contact the police department for the location where the assault occurred. New Mexico Tech Police Department (NMTPD) can assist in making the contact to the appropriate law enforcement agency.
2. Reporting parties are also encouraged to contact the campus or local victim/survivor service office and/or counseling and health care services. These services are strictly confidential.
3. The University strongly encourages individuals to report all sexual misconduct (e.g., sexual assault, stalking, relationship violence, sexual harassment and sex-based discrimination) to appropriate law and University officials because it is the only way that action can be taken against an alleged violator of the policy. All NMT employees with the exception of Confidential Employees are required to notify the NMT Title IX Coordinator of any known related report. Timely reporting and a medical examination is critical in preserving evidence of sexual assault, and the ability to respond effectively, but an individual can report an incident at any time.
4. Reporting parties are also encouraged to contact the University's Title IX Coordinator for appropriate action. If reports are submitted to other offices, those offices are required to notify the Title IX Coordinator of all incidents involving alleged sexual misconduct or Title IX offenses.
5. New Mexico Tech also has an online Title IX & Sexual Misconduct Reporting Form (https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1)

B. University Employees and Students (when informed of an incident of assault)

1. **Mandatory Reporting of Child Abuse.** If the assault or abuse was against a minor, you must immediately report the abuse to the University or local police department, county sheriff, or local county social services agency. In addition, inform your supervisor you have made the report.
2. **Encourage Prompt Reporting to Police.** If the assault was against an adult, encourage the victim/survivor to report the incident to the police.

3. **Encourage Contact with Victim Services.** Encourage the reporting party to contact the local victim/survivor service office, as well as the Student Health Center and/or Counseling Services staff on campus.
4. **Make Appropriate University Reports.** Except for Confidential Employees, all New Mexico Tech employees have been designated as Mandatory Reporters with regards to this policy and grievance procedure. These Mandatory Reporters are obligated to report any known or perceived sexual misconduct or sex discrimination to the University's Title IX Coordinator even if little information is known. To the extent possible, information obtained, shared, or reported to a Mandatory Reporter will be communicated with the Title IX Coordinator within 24-hours. These Mandatory Reporters and the Title IX Coordinator will not share personally identifiable information with New Mexico Tech Campus Police or other law enforcement without the Complainant's/ victim's consent or unless the victim has also reported the incident to law enforcement. This information is considered private.

   Employees whose communications are privileged or confidential under federal or state law (e.g. Counselors, Medical Professionals) are considered Confidential Employees. The University has also extended the role of a Confidential Employee to its two (2) Ombudspersons. Complainants going to these individuals would receive the same confidentiality as they would with the University counseling and medical staff.

   Once informed, the Title IX Coordinator will work to assist the reporting party, including by providing guidance in reporting to law enforcement, obtaining counseling or other health or academic services, interim measures, and filing a complaint with the appropriate University conduct offices. All other non-responsible (i.e. non-supervisory) employees who receive a report should consult with their supervisor for guidance for any next steps.
5. **Confidentiality.** University employees cannot guarantee confidentiality, except when the reports are privileged communications with counselors or health care professionals. If a reporting party requests confidentiality, the University must take all reasonable steps to investigate and respond consistent with that request, taking into account that confidentiality may not be possible in every case given the University's responsibility to provide a safe environment for all. To ensure that the University has met its obligations, University employees must consult with appropriate University offices (listed below) concerning whether and what identifying information they can or must share within the Institution to respond to the report and to promote campus safety.
6. **Reports for Crime Statistics.** The University must track reports of alleged incidents of sexual misconduct or sexual assault for purposes of its required annual crime statistics under the Clery Act. Any employee who is a campus security authority (CSA) or has supervisory or student-advising responsibility (i.e., mandatory reporters) must report the fact of a report of sexual misconduct or sexual assault as part of the University's annual crime statistics. Clery Act reporting is for crime occurring on campus, in the residence halls, on public property within or immediately adjacent to campus, and in or on non-campus buildings or property owned or controlled by the University. The identity of reporting parties will be protected and not revealed as part of Clery Act reporting.

C. University Offices Receiving a Report

1. Counseling and Health Care Services will:

- Maintain the contact as **confidential**
- Provide appropriate counseling and medical services.
- Encourage, assist (as needed) and support the reporting party in reporting the incident to the police.
- Encourage, assist (as needed) and support the reporting party in reporting the incident to the Title IX Coordinator.
- Provide reporting parties with a copy of the Complainant's and Respondent's Rights Related to Sexual Misconduct brochure.

2. NMT Police departments will:

- Investigate and refer for prosecution when warranted.
- Determine whether to issue a crime alert.
- Appropriately log and report the incident as required under the Clery Act.
- Provide reporting parties with a copy of the Complainant's and Respondent's Rights Related to Sexual Misconduct brochure.

3. Housing/Residential Life Offices will:

- If this is the first office notified, contact or encourage contact with, the campus or local counseling and medical services, and assist in obtaining these services, if needed.
- Encourage the reporting party to report the incident to the police, and assist in making the report if requested by the alleged victim/survivor. Housing/Residential Life may report to the police the fact that an assault was reported and may share the alleged perpetrator's name, but the name of the reporting party will only be provided with the reporting party's consent, except in extenuating circumstances, for example where there is a serious threat to campus safety.
- Report the incident to the Title IX Coordinator.
- If the person accused is an employee living in Housing/Residential Life, the AA/EEOC office should be notified. The AA/EEOC office would then notify the employee and their supervisor.
- Complete appropriate incident report that can be utilized for appropriate investigation by campus authorities or police.
- In cooperation with the Dean of Students Office (DOSO) and/or Title IX Coordinator, make determinations regarding temporary relocation of residents, and regarding interim suspensions from Housing pending Student Code of Conduct proceedings. To the extent that it is possible and will not impair the facilitation of the relocation, the confidentiality of the reporting student will be preserved in the process.
- Provide reporting parties with a copy of the Complainant's and Respondent's Rights Related to Sexual Misconduct brochure if not provided by the Title IX Coordinator.
- Make appropriate reports for purposes of Clery Act crime statistics.

4. Affirmative Action & Equal Employment Opportunity Commission Office will:

- If this is the first office notified, contact or encourage contact with local victim/survivor support services, and assist in obtaining medical care, counseling, legal assistance, visa and immigration assistance, Employee Assistance Program, and other services if needed.
- Encourage the victim/survivor to report the incident to the police, and assist in making the report if requested by the victim/survivor. The AA/EEOC officer may report to the police the fact that an assault was reported and may share the alleged

perpetrator's name, but the name of the victim will only be provided with the victim/survivor's consent, except in extenuating circumstances.
- Notify the Title IX Coordinator.
- The AA/EEOC officer will work primarily with both employee complainants and respondents.
- The AA/EEOC office would then notify the employee of the allegations and notify their supervisor.
- Respond promptly to the allegations and discipline if needed, consistent with the Employee Handbook and the employee disciplinary process.
- Conduct a prompt, fair and impartial investigation, and make recommendations for action, as appropriate.
- Allow the reporting party and the person accused to have a non-participating/non-witness support person present for interviews.
- Proceed independently of any action taken in the criminal or civil courts, as determined on a case-by-case basis. Criminal court proceedings are not a substitute for University procedures.
- If the person accused is a student, report the incident to the campus office responsible for administering Student Code of Conduct and conduct a thorough investigation of the report.
- Not require a reporting party to mediate directly with the person accused.
- Inform both alleged victim/survivor and accused person of the outcome.
- Provide complainant and respondent with a copy of the Complainant's and Respondent's Rights Related to Sexual Misconduct brochure, if not provided by the Title IX Coordinator.
- Make appropriate reports for purposes of Clery Act crime statistics.

5. **Campus student conduct offices (DOSO &/DGSO) will:**
   - If this is the first office notified, contact or encourage contact with local victim/survivor support services, and assist in obtaining medical care, counseling, legal assistance, visa and immigration assistance, student financial aid and other services if needed.
   - Encourage the reporting party to report the incident to the police, and assist in making the report if requested by the reporting party. Campus conduct offices may report to the police the fact that an assault was reported and may share the alleged perpetrator's name, but the name of the reporting party will only be provided with the reporting party's consent, except in extenuating circumstances.
   - Notify the Title IX Coordinator.
   - Respond promptly to the allegations and discipline if needed, consistent with the Student Code of Conduct and the campus's student disciplinary process.
   - If there is a student respondent, see Title IX Prohibited Conduct Grievance Procedures: Formal and Informal Resolution Flow Charts for more details.
   - Conduct a prompt, fair and impartial investigation where the accused is a student. Proceed independently of any action taken in the criminal or civil courts, as determined on a case-by-case basis. Criminal court proceedings are not a substitute for University procedures.
   - Permit the complainant and respondent to have a support person or advisor present at any interview or hearing, in a manner consistent with the governing student conduct procedures.
   - Not require a reporting party to mediate directly with the person accused.

- Inform both reporting party and accused person of the outcome of any disciplinary process.
- Identify transportation options or needed changes to working situations. To the extent that it is possible and will not impair the facilitation of the transportation or adjustments to work situations, the confidentiality of the reporting student will be preserved in the process.
- Provide complainant and respondent with a copy of the Complainant's and Respondent's Rights Related to Sexual Misconduct brochure, if not provided by the Title IX Coordinator.
- Make appropriate reports for purposes of Clery Act crime statistics.

D. Title IX Coordinator's Response to Report

1. Help to ensure the Institution's compliance with Title IX's administrative requirements.
2. Ensure the school's procedures for resolving Title IX offenses and sexual misconduct complaints are followed.
3. Provide complainant and respondent with a copy of the Complainant's and Respondent's Rights Related to Sexual Misconduct brochure.
4. Contact, or encourage contact with local victim/survivor support services, and assist in obtaining medical care, counseling, legal assistance, visa and immigration assistance, student financial aid, Employee Assistance Program (employees only), and other services if needed.
5. Encourage the reporting party to report the incident to the police, and assist in making the report if requested by the reporting party. The Title IX Coordinator may report to the police the fact that an assault was reported and may share the alleged perpetrator's name, but the name of the reporting party will only be provided with the reporting party's consent, except in extenuating circumstances.
6. Notify the appropriate student conduct office or AA/EEOC office that there has been a sexual misconduct complaint and work collaboratively with that office for during the investigation and disciplinary processes, as needed.
7. Investigating complaints, working with law enforcement when necessary, and ensuring the complaints are resolved promptly and appropriately.
8. Be fair and impartial in the investigation process.
9. Make parties aware of timelines and notify them accordingly.
10. Communicate equally and timely with both parties.