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Applicability UAP

UAP 2745: Campus Crime and Fire Disclosures, Prevention Programs (Clery Act Compliance)

Authorized by [RPM 3.1 \("Responsibilities of the President"\)](#)

Process Owner: Clery ~~Act Compliance Officer~~ [Coordinator](#)

1. General

~~The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 ("Clery Act") is a federal law requiring institutions of higher education that receive federal funding to collect and publish statistics about reports of certain crimes that occur on or adjacent to campus, or in other areas owned or controlled by the institution and frequently used by students. In addition, institutions are required to adopt and publish policies related to campus safety and security. The purpose of this policy is to ensure UNM's compliance with the requirements of the Clery Act. Any changes in the Clery Act requirements will supersede the relevant provisions of this policy.~~

~~Many UNM offices and individuals are tasked with helping the University to comply with the requirements of the Clery Act, including, but not limited to: UNM Police Department and Campus Security, Clery Act Compliance Officer, Athletics, Dean of Students Office, Residence Life and Student Housing, Vice Presidents, Deans, University Hospitals, Human Resources, Office of Compliance, Ethics & Equal Opportunity, Admissions Office, Student Health and Counseling, chartered student organization advisors, and other offices or individuals with significant responsibility for student and campus activities.~~

~~The Clery Act requires the University to separately collect and publish statistics for the Albuquerque campus; branch campuses; and UNM West (collectively "UNM campuses" or "campuses"). The Clery Act Compliance Officer oversees the Clery Act compliance of all UNM campuses, including the branch campuses and UNM West. Branch campuses and UNM West, which are addressed specifically in Section 6, have designed staff members ("Clery staff") who are responsible for fulfilling the requirements of the Clery Act on their respective campuses.~~

2. Requirements of the Clery Act

In order to comply with the requirements of the Clery Act, UNM must:

- Compile statistics of reported Clery Act crimes (see Section 3) that occur on the UNM campuses, the immediately adjacent streets and sidewalks surrounding the campuses, and in remote classroom and other facilities some distance away from the campuses that are owned or controlled by UNM and frequently used by students for educational purposes. These areas constitute the "Clery geography."
- Collect reports of Clery Act crimes made to the UNM Police Department (which for the purposes of this policy includes the UNM Gallup Police Department and UNM Valencia Police Department unless indicated otherwise) other local law enforcement agencies, and, as defined in Section 4, Campus Security Authorities (CSAs).
- Publish and distribute to all students and employees by October 1st of each year an Annual Security and Fire Safety Report (Clery Report) which includes crime data for reports of Clery Act crimes, fire incident data for UNM residential facilities, security policies, and procedures in place to protect the UNM community and information on the handling of threats, emergencies, and dangerous situations on campuses.
- On an annual basis, report Clery Act crime statistics and fire incident statistics to the U.S. Department of Education as required.
- Identify CSAs on a regular and ongoing basis and notify these individuals of their obligations under the Clery Act to report any and all Clery Act crimes that they witness, or are reported to them.
- Provide mandatory training for all CSAs during the first year they serve as CSAs.
- Maintain a daily crime log that includes all criminal incidents and alleged criminal incidents that are reported to the UNM Police Department. This log will be available for public inspection, upon request.
- Maintain a fire log that records all reported fires occurring in UNM student housing facilities on the Albuquerque campus and branch campuses. This log will be available for public inspection, upon request.
- Issue timely warnings to alert the campuses of Clery Act crimes that occur in Clery geography and pose a serious or continuing threat to the applicable campus community. Timely warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow members of the campus community to protect themselves and prevent similar crimes from occurring.
- Issue emergency notifications for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the applicable UNM campus.
- In the event that a student residing in UNM student housing is reported as missing, the UNM Police Department shall be notified as well as the persons designated by the allegedly missing student as their missing student contacts within 24 hours (see the UNM Pathfinder "[Missing Resident Student Notification Policy and Procedure](#)").

~~3. Clery Act Crimes~~

~~The crimes identified by the Clery Act to be reported annually to the UNM community include: murder and manslaughter; forcible and non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; and stalking. (See section 3.1 for UNM's responsibilities under the Clery Act pertaining to reports of sexual, domestic violence, dating violence, and stalking.)~~

~~If any of the above offenses were reportedly committed as "hate crimes," that must be separately indicated in the annual Clery Report statistics. A hate crime occurs when the offender is motivated by bias against the victim. Under the Clery Act, "bias" is a preformed negative attitude or opinion towards a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. In addition to the above crimes, if any of the following offenses were motivated by the offender's bias against the victim, they must be included in the annual Clery Act statistics: larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property.~~

~~Reports of attempts of any of these types of crimes are also considered to be Clery Act crimes; for example, an attempted sexual assault must be included in the statistics for forcible sex offenses.~~

~~The final element of Clery Act crimes that must be reported in the annual Clery Report are arrests and referrals for UNM disciplinary action for any of the following: liquor law violations, drug law violations, and weapons law violations.~~

~~For more information and definitions of Clery Act crimes, see pages 62789 to 62790 of [§ 668.46 Institutional security policies and crime statistics \("The Jeanne Clery Act"\)](#), Appendix A.~~

~~3.1. Crimes Involving Sexual Assault, Domestic Violence, Dating Violence, and Stalking~~

~~3.1.1. Prohibited Conduct~~

~~The University of New Mexico prohibits all acts of sexual assault, domestic violence, dating violence, and stalking as defined by the 2013 Reauthorization of the Violence Against Women Act (VAWA) amendments to the Clery Act listed below.~~

~~*Sexual assault.* An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program:~~

- ~~▪ *Rape.* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.~~
 - ~~▪ *Fondling.* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.~~
 - ~~▪ *Incest.* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.~~
 - ~~▪ *Statutory Rape.* Sexual intercourse with a person who is under the statutory age of consent.~~
- ~~*Dating Violence.* Violence committed by a person who is or has been in a social relationship of a~~

~~romantic or intimate nature with the victim.~~

- ~~• The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.~~
- ~~• For the purposes of this definition:
 - ~~1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.~~
 - ~~2. Dating violence does not include acts covered under the definition of domestic abuse.~~~~

~~Domestic Violence. A felony or misdemeanor crime of violence committed:~~

- ~~• By a current or former spouse or intimate partner of the victim;~~
- ~~• By a person with whom the victim shares a child in common;~~
- ~~• By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;~~
- ~~• By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or~~
- ~~• By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.~~

~~Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:~~

- ~~• Fear for the person's safety or the safety of others; or~~
- ~~• Suffer substantial emotional distress~~

~~For the purposes of this definition:~~

- ~~1. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.~~
- ~~2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.~~
- ~~3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~

The Jeanne Clery Campus Safety Act ("Clery Act") is a federal law that regulates how federally funded institutions prevent, respond to, and make disclosures of crimes impacting the campus community. This federal law pays homage to the memory of Jeanne Clery, a student who was murdered in her dorm room during her first year at a Pennsylvania institution in 1987. Congress's reauthorization of the Violence Against Women Act (VAWA) in 2013 and the Stop Campus Hazing Act (SCHA) of 2024 furthered amended the Clery Act.

This policy dictates UNM's compliance functions related to the Clery Act, as amended by VAWA and SCHA. Any changes to the Clery Act requirements will supersede the relevant provisions of this policy.

4. Applicability

This policy applies to all current and prospective students and employees at the University to includes its Branch campuses, campus visitors, including UNM Medical Group, the University of New Mexico Hospitals, the University's affiliated entities.

5. Exclusions

None.

6. Definitions

Campus Security Authority

University departments and officials to whom criminal offenses should be reported, which include:

- A. Any University of New Mexico Police Department or a campus security department.
- B. Any individual or individuals who have responsibility for campus security but who do not constitute a University of New Mexico Police Department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- C. Individuals who have responsibility for campus security, but who do not constitute a campus police or security department, such as officials monitoring access into and out of an event, an employee responsible for issuing access cards, or custodial staff responsible for locking and unlocking buildings on campus.
- D. Individuals with significant responsibility for campus and student activities—such as student housing staff, student conduct officers, officials overseeing campus judicial proceedings, student group sponsors, and officials overseeing major campus operations—whom the Clery Coordinator and Clery Campus Leads at UNM's branch campuses designate as CSAs.

Pastoral Counselor

A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a Pastoral Counselor.

Professional Counselor

A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

Clery Act Geography

Clery Act Geography includes buildings and property that are part of campus; noncampus buildings and property; and public property within or immediately adjacent to and accessible from the campus.

“Campus” means any building or property owned or controlled by UNM within the same reasonably contiguous geographic area and used by UNM in direct support of, or in a manner related to, its educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

“On-campus student housing facility” means any student housing facility that is owned or controlled by UNM, or is located on property that is owned or controlled by UNM, and is within the reasonably contiguous geographic area that makes up the campus.

“Noncampus” means any building or property owned or controlled by a student organization that is officially recognized by UNM; or any building or property owned or controlled by UNM that is used in direct support of, or in relation to, the University’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of its campus.

“Public Property” means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within a UNM campus, or immediately adjacent to and accessible from the campus.

Clery Coordinator

The University official who is responsible for overseeing Clery Act compliance for the institution.

Clery Campus Lead

The designated University official at each UNM branch campus acting in a “Clery Coordinator Deputy” fashion and who is responsible for Clery Act compliance at their respective campus(es).

Clery Liaison

Individuals who provide information to the Clery Coordinator and/or a Clery Campus Lead related to Clery Act compliance, including but not limited to information about property ownership and use, purchase orders, crime reports, and off-campus student experiences.

Separate Campus

Any building or property owned or controlled by UNM, is not reasonably geographically contiguous with the main campus, has an organized program of study, and has at least one person on site acting in an administrative capacity. Appendix A provides a current list of UNM’s Separate Campuses. This Policy applies to each Separate Campus at UNM.

Clery Act Offense

Any primary crime; hate crime; Violence Against Women Act (VAWA) offense; arrest or referral for disciplinary action for a weapons, drug abuse, or liquor law violation; or incident of hazing.

“Primary crimes” include reports of: Murder/Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson as defined by the FBI’s

Uniform Crime Reporting (UCR) Program's Summary Reporting (SRS) User Manual; and Fondling, Incest, and Statutory Rape as defined by the FBI's UCR Program National Incident-Based Reporting System (NIBRS) Data Collection Guidelines.

"Hate crimes" include reports of: A primary offense, Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property, as defined by the FBI's Uniform Crime Reporting Program's Hate Crime Data Collection Guidelines and Training Manual, that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this Policy, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

"Violence Against Women Act (VAWA) offenses" include reports of: Domestic Violence, Dating Violence, and Stalking, as defined by the Violence Against Women Act of 1994.

"Arrest for a weapons, drug abuse, or liquor law violation" means any person processed by arrest, citation or summons.

"Referral for disciplinary action for a weapons, drug abuse, or liquor law violation" means the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

"Hazing" means any incident of hazing as defined by the 2024 Stop Campus Hazing Act.

Unfounded Crime

Any crime that, in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless. Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of withholding any Clery Act offense from UNM's annual disclosure of crime statistics. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

Fire

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Primary Prevention Programs

Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness Programs

Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Ongoing Prevention and Awareness Campaigns

Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section.

Bystander Intervention

Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Risk Reduction

Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

7. Reporting Emergencies, Crimes, and Fires at the University of New Mexico

7.1. Reporting an Emergency

Individuals experiencing or witnessing an emergency or other dangerous situation on or near campus should immediately dial 9-1-1 to reach campus or local Police. Individuals on campus can also reach campus Police or Security by using blue light emergency phones strategically situated across campus or by using the UNM SAFE app on their smartphone.

7.2. Reporting Crimes

Anyone with knowledge of a crime is encouraged to report crimes to campus police and/or local law enforcement. Below are UNM's campus law enforcement and security offices to which crimes can be reported. Appendix B also lists these agencies' contact information along with that of state, local, and tribal law enforcement agencies available to assist individuals in need near UNM's campuses.

- : UNM Police Department (UNMPD), serving UNM in Albuquerque
- : UNM Hospitals (UNMH) Security, serving UNMH properties in Albuquerque and Rio Rancho
- : UNM-Gallup Police Department (UNMGPD), serving UNM-Gallup and its satellite sites
- : UNM-Valencia Police Department (UNMVPD), serving UNM-Valencia and its satellite sites

In addition to UNM Police and Security, the University encourages students, employees, parents, and guests to report crimes to any of the following offices for the purposes of making timely warning reports and the annual statistical disclosure (as described in Sections 7.2 and 6.1.1 of this Policy, respectively):

- : Dean of Students Office.
- : Office of Compliance, Ethics & Equal Opportunity.
- : Student Activities Center.
- : Residence Life & Student Housing.
- : American Campus Communities.
- : UNM Athletics Compliance Office.
- : Global Education Office.
- : Department of Human Resources.
- : Office of the Provost.

Appendix C provides contact information for these preferred receivers of crime reports.

7.2.1. Reporting Crimes on a Voluntary, Anonymous, and Confidential Basis

Students, employees, parents, and guests can report crimes on a voluntary, anonymous, and confidential basis to the University for the purposes of the annual disclosure of crime statistics as described in 6.1.1 of this Policy by submitting an anonymous tip to the [UNM Police Department](#), submitting a report through the online [EthicsPoint](#) report form, or by calling the 24/7 UNM EthicsPoint Hotline at 1-888-899-6092.

The Title IX Coordinator also designates employees within certain departments at UNM as confidential employees. Confidential employees carry a CSA designation but are exempt from certain reporting obligations under [UAP 2740](#) within the context of providing direct services to individuals. If a confidential employee receives information about any crime disclosed to them, they are not required to share identifiable information to the Clery Coordinator. This is to ensure that individuals who experience one of

these crimes can seek support and guidance at the University, even if they do not want to engage with CEEO or law enforcement. A list of confidential support sites is available in Appendix D.

Pastoral and Professional Counselors are confidential to the extent that they are exempt from CSA designation when acting in their capacity as a Pastoral or Professional Counselor. However, UNM encourages Pastoral Counselors and Professional Counselors, if and when they deem it appropriate, to refer the individuals they are counseling to this Policy for information about reporting crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

7.3. Reporting Fires in On-Campus Student Housing Facilities

UNM encourages students and employees with information about open-flame fires within UNM's on-campus student housing facilities to report them for inclusion in UNM's daily fire log and annual disclosure of fire statistics to one of the following departments as soon as it is safe to do so. Prompt reporting also allows for fires to be evaluated for inclusion as arson in the daily crime log or annual disclosure of crime statistics.

- : UNM Police Department
- : Residence Life & Student Housing
- : American Campus Communities
- : Fraternity & Sorority Life (Student Activities Center)
- : Environmental Health & Safety

Appendix C provides contact Information for these preferred receivers of fire reports.

8. Annual Security and Fire Safety Reports

8.1. Annual Security Report

Each Separate Campus at the University of New Mexico develops an Annual Security Report (ASR) and distributes it to its current and prospective students and employees by October 1 every year.

The Clery Coordinator prepares the ASR each year for UNM's Albuquerque campus and its Separate Campus(es). Individuals designated as Clery Campus Leads at UNM's branch campuses develop, publish, and distribute ASRs for their respective campuses under the guidance and of the Clery Coordinator.

Various departments support the development of UNM's ASRs by providing content the law requires such as policy statements, departmental procedures, and information about programs on campus. They include but are not limited to the UNM Police Department at the Albuquerque, Valencia, and Gallup Campuses, the Dean of Students Office, Lobo Athletics, Facilities Management, the Health Sciences Center, UNM Hospitals, and the Title IX Coordinator.

8.1.1. Annual Disclosure of Crime Statistics

As part of the ASR, UNM publishes an annual disclosure of Clery Act crime statistics which include Clery Act Offenses occurring within UNM's Clery Act Geography that get reported to a Campus Security Authority (CSA) or local law enforcement.

CSAs play a pivotal role at each campus in the collection of accurate crime statistics. They have a responsibility to notify campus police and/or the Clery Coordinator of reports of any crimes they directly receive or personally witness in a manner that is timely and accurate (i.e., as soon as possible). The Clery Coordinator surveys CSAs at least once a year to prompt them to provide any reports that have received but have not yet submitted. A CSA's failure to report an incident of crime disclosed to them is a violation of this policy and can result in disciplinary action against the CSA.

The Clery Coordinator evaluates all CSA reports to determine whether they meet the criteria above for inclusion in the annual disclosure of crime statistics. Reports are collected through records management systems such as UNMPD's and UNMH Security's, as well as other reporting mechanisms which include but are not limited to EthicsPoint, Symplicity Advocate, and UNM's online CSA Crime Report Form. UNM is not required to report statistics or crimes reported to a Pastoral or Professional Counselor.

The Clery Coordinator and UNMPD make a good-faith effort in writing to gather information about crime reports made at properties within UNM's public property and noncampus geography by conducting direct outreach to CSAs and local law enforcement agencies with jurisdiction over public properties adjacent to or on campus and noncontiguous properties where UNM controls space. UNM relies on the information obtained from those sources but is not responsible if the information provided is inaccurate or omitted altogether.

In addition to publishing UNM's crime statistics in the ASR, the Clery Coordinator also submits UNM's crime statistics and number of unfounded crime reports each year to the U.S. Department of Education through The Campus Safety and Security Survey.

Clery Campus Leads at UNM's Branch Campuses carry out these tasks to collect crime reports for the annual statistical disclosure at their respective campuses.

8.2. Annual Fire Safety Report

In addition to the ASR, the UNM Albuquerque campus also develops and publishes an Annual Fire Safety Report (AFSR) to current and prospective students and employees by October 1 every year.

UNMPD, Residence Life & Student Housing, and American Campus Communities, Environmental Health & Safety, and the Student Activities Center assist the Clery Coordinator with developing the AFSR by providing current information related to the University's policies, systems, rules, and procedures around fire safety, prevention, and reporting in UNM's on-campus student housing facilities.

UNM's Albuquerque campus publishes the ASR and AFSR together as a single Annual Security & Fire Safety Report (ASF SR).

8.2.1. Annual Disclosure of Fire Statistics

As part of the AFSR, UNM publishes an annual disclosure of Clery Act fire statistics which include open-flame fires occurring within UNM's on-campus student housing facilities that get reported to a University official using one of many methods, primarily Symplicity Advocate.

The Clery Coordinator collects information about fire incidents for inclusion in the annual disclosure of fire statistics from UNMPD, Residence Life & Student Housing, and American Campus Communities, Environmental Health & Safety, the Student Activities Center, and other Campus Security Authorities as needed.

In addition to publishing UNM's fire statistics in the ASR, the Clery Coordinator also submits statistics for the Albuquerque campus each year to the U.S. Department of Education through The Campus Safety and Security Survey.

9. Ongoing Disclosures

In addition to its annual disclosure of crime and fire statistics, UNM issues ongoing disclosures about crimes and fires reported to the University.

9.1. Emergency Notification

UNM will immediately notify its respective Campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on its Campus.

An emergency or dangerous situation may or may not involve a crime. Examples include:

- : Shots fired
- : Extreme weather conditions
- : Armed intruder
- : Suspect with a deadly weapon on or near campus
- : Fire
- : Gas leak
- : Terrorist incident
- : Bomb threat
- : Explosion
- : Hazardous material spill
- : Health-related outbreak
- : Broad and credible threat of violence

In addition to following its emergency response procedures outlined in [UAP 6130: Emergency Control](#), the

impacted UNM Campus will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate its notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The individual(s) or office(s) responsible for confirming an emergency at their respective Campus is listed in Table 2. These individuals and/or offices use layers of information gathering to determine the validity and/or imminence of the threat.

An emergency or dangerous situation is “confirmed” when a UNM official has verified it to be legitimate but does not always mean that UNM has or is able to obtain all pertinent details related to the threat. The University may use information it receives from a reputable agency, such as a government agency, public safety agency, or environmental intelligence agency; a law enforcement officer or University official on scene who can verify the threat; and/or multiple calls for service related to the same threat in order to confirm an emergency exists. The individual(s) or office(s) responsible for making this decision relies on internal and/or external sources depending on the scale of the emergency and gather information through Computer-Aided Dispatch (CAD/Dispatch), radio communications, telephone, email, word of mouth, or a combination of any of these methods depending on the situation.

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the person or organization identified in Table 2 will then activate the emergency notification system by notifying the person or organization responsible for determining the segment of the population and determining the messages’ content.

The decision to send a Lobo Alert to a specific segment or segments of campus is based on how contained the threat is and who is most likely to be impacted and may change depending on how the situation evolves.

The person or organization responsible for crafting the wording of the Lobo Alert relies on a pre-determined template that provides for the nature of the threat, how much can be confirmed, and instructions to follow during and following the emergency until the threat subsides. Notifications can include but are not limited to instructions that dormitories or other campus buildings must be secured, that individuals shelter in place, evacuate, or relocate, or that campus is closed altogether. If, during the emergency, an Emergency Operations Center is activated, the individuals or offices listed in Table 2 may collaborate with officials in the EOC to craft messaging around broader campus needs throughout the duration of the emergency, such as campus access and transportation.

Once the incident has been resolved, a final Lobo Alert will be sent out to update the incident status and provide further directions as needed. Depending on the available information, the initial message may also inform people of where the incident is occurring. If no specific location is provided, the entire campus should be considered the area at risk.

Communication, including the use of cell phones, land line phones, and the internet, of a non-emergency nature, should be kept to a minimum during the event.

9.1.1. Roles Responsible for Emergency Notification and Methods

of Distribution at UNM's Campuses

	<u>UNM Main (Albuquerque)</u>	<u>Health Sciences Rio Rancho</u>	<u>UNM- Gallup</u>	<u>UNM-Los Alamos</u>	<u>UNM-Taos*</u>	<u>UNM- Valencia**</u>
<u>Who Confirms the Emergency?</u>	UNMPD	HSC Operations Rio Rancho	UNMGPD	Chancellor and/or Campus Safety Coordinator***	Facilities and/or Student Affairs***	UNMVPD and/or Business Operations***
<u>Who Initiates the Notification System?</u>	UNMPD	HSC Operations Rio Rancho	UNMGPD and/or Chancellor	Chancellor	Facilities	UNMVPD and/or Business Operations***
<u>Who Determines Which Segment(s) of Campus Will Receive Notification?</u>	UNMPD	HSC Operations Rio Rancho	UNMGPD and/or Chancellor	Chancellor	Facilities	UNMVPD and/or Business Operations***
<u>Who Determines Content of Notification?</u>	UNMPD	HSC Operations Rio Rancho	UNMGPD and/or Chancellor	Business Services (Marketing)	Branch Communications & Marketing (BCAM)	Marketing
<u>Method(s) of Distribution</u>	Lobo Alert text messages UNM email Website banner Campus-wide flyers UNM SAFE app Outdoor sirens Word of mouth	Lobo Alert text messages UNM email UNM website banner UNM website wide flyers UNM SAFE app Digital signage Word of mouth	Lobo Alert text messages UNM email UNM website banner UNM website wide flyers Word of mouth	Lobo Alert text messages UNM email UNM website banner Campus-wide flyers Word of mouth	Lobo Alert text messages UNM email UNM website banner Campus-wide flyers Word of mouth	Lobo Alert text messages UNM email UNM website banner Campus-wide flyers Word of mouth

** Applies to the Klauer Campus and UNM-Taos' Separate Campus(es).*

** Applies to UNM-Valencia and its Separate Campus(es).

***Ideally, these officials will collaborate when deciding whether to initiate the notification system; however, these officials are authorized to make a decision without first obtaining the concurrence of the others, if circumstances do not allow for collaboration.

UNM is not required to issue a timely warning as described in Section 7.2 based on the same circumstances for which it follows its emergency notification procedures. However, the University will provide adequate follow-up information to the community as needed.

9.1.2. Enrolling in Lobo Alerts

All faculty, staff and students are automatically opted into Lobo Alerts. If a student did not provide a cell phone number on their application or changes their cell phone number and would like to receive the text message alerts, they can update their information by going to loboalerts.unm.edu. Community members can sign up for Lobo Alerts by going to www.getrave.com/login/unmcommunity.

9.1.3. Notification to the Larger Community

Using the same procedures by which it issues information to the campus community, UNM will use one or more of the following methods to disseminate emergency information and follow-up information to the larger community, such as parents, community members, and other non-UNM individuals:

- : [Text message via the LoboAlerts notification system](#)
- : [UNM social media](#)

Parents, community members, and other non-UNM individuals can opt in to the UNM LoboAlerts system to receive notifications and emergency communications by email and/or SMS text messages. To sign up, click on the "Register" button and follow the on-screen directions on the UNM Community Text site.

Communications staff at each the respective Campus will also notify, as appropriate, the local news media and social media to inform the community outside of UNM.

9.2. Timely Warning

When a Clery Act crime occurring within UNM's Clery Act geography reported to a CSA poses a serious or continuing threat, the impacted Campus will issue a warning (Lobo Advisory) to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Any individual who receives a report and determines through a preliminary assessment that there is potential need for a warning should notify the individual or office designated at their respective campus in Table 1 who then initiates the Lobo Advisory process.

The determination of whether there is a "serious or continuing threat" to students and employees is made using a pre-determined decision-making matrix specifically designed to help the issuer evaluate whether students and employees are at risk of becoming victims of a similar crime.

The person who crafts the wording of the Lobo Advisory uses pre-drafted template language and bases the

remainder of the content on what type of incident occurred, the context, level of urgency, and how the situation evolves. It includes appropriate information as soon as it becomes available, such as location, crime, description of subject (if known), and any other pertinent details. Additional updates may be issued as the situation evolves.

The designated person or office at the impacted Campus then issues the Lobo Advisory in a way that is reasonably likely to reach the entire campus community quickly and effectively by using one or a combination of methods described in Section 7.2.1.

UNM is not required to issue a timely warning with respect to crimes reported to a Pastoral or Professional Counselor.

9.2.1. Roles Responsible for Timely Warning and Methods of Distribution at UNM’s Campuses

	<u>UNM Main (Albuquerque)</u>	<u>Health Sciences Rio Rancho</u>	<u>UNM-Gallup</u>	<u>UNM-Los Alamos</u>	<u>UNM-Taos*</u>	<u>UNM-Valencia**</u>
<u>Who Initiates the Lobo Advisory?</u>	<u>UNMPD</u>	<u>HSC Operations Rio Rancho</u>	<u>Chancellor</u>	<u>Chancellor and/or Campus Safety Coordinator***</u>	<u>Facilities and/or Student Affairs***</u>	<u>UNMVPD</u>
<u>Who Issues/Sends the Lobo Advisory?</u>	<u>UNMPD</u>	<u>HSC Operations Rio Rancho</u>	<u>Chancellor's Office (Public Relations)</u>	<u>Business Services (Marketing)</u>	<u>Branch Communications & Marketing (BCAM)</u>	<u>Marketing</u>
<u>Method(s) of Distribution</u>	<u>UNM email</u> <u>UNM website banner</u> <u>Campus-wide flyers</u>	<u>UNM email</u> <u>UNM website banner</u> <u>Campus-wide flyers</u>	<u>LoboAlerts text message</u> <u>UNM email</u> <u>UNM website banner</u> <u>Campus-wide flyers</u>	<u>LoboAlerts text message</u> <u>UNM email</u> <u>UNM website banner</u> <u>Campus-wide flyers</u>	<u>LoboAlerts text message</u> <u>UNM email</u> <u>UNM website banner</u> <u>Campus-wide flyers</u>	<u>LoboAlerts text message</u> <u>UNM email</u> <u>UNM website banner</u> <u>Campus-wide flyers</u>

** Applies to the Klauer Campus and UNM-Taos’ Separate Campus(es).*

*** Applies to UNM-Valencia and its Separate Campus(es).*

****Ideally, these officials will collaborate when deciding whether to initiate the notification system; however, these officials are authorized to make a decision without first obtaining the concurrence of the others, if circumstances do not allow for collaboration.*

9.2.2. Timely Warning to the Larger Community

Members of the larger community who have signed up through the [LoboAlerts Community Site](#) can also receive Lobo Advisories when they are issued in the form of a text message.

Communications staff at each the respective Campus will also notify, as appropriate, the local news media and social media to inform the community outside of UNM.

9.3. Daily Crime and Fire Logs

Each UNM Separate Campus that maintains a campus police or security department maintains a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred within its Clery Act geography and that gets reported to campus police, campus security, or a CSA. Contents of the log include the nature, date, time, and general location of each crime, and the disposition of the complaint, if known.

Each UNM Separate Campus that maintains on-campus student housing also maintains a written, easily understood daily fire log that records, by the date the fire was reported, any open-flame fire occurring within an on-campus student housing facility that any University official reports to UNMPD or the Clery Coordinator. At a minimum, contents of the log include the nature, date, time, and general location of each fire.

The daily crime log and daily fire log for the most recent 60-day period are made publicly available during normal business hours, and any portion of either log older than 60 days is made available within two business days of a public information request.

9.4. General Crime Prevention, Safety, and Security Awareness Messaging

When UNMPD becomes aware of certain crimes occurring on or near campus, or of those that are occurring off campus but may potentially impact students or employees, they may, at their discretion, issue a general safety or security message to the campus community. The University may only employ this option in instances that do not meet the criteria for a Lobo Alert or Lobo Advisory. For instance, UNMPD may post a safety bulletin in the form of a flyer they post across campus or post to their social media account about a string of indecent exposure reports that, while concerning, neither poses an imminent threat nor meets the definition of a Clery Act Offense.

This type of messaging augments UNM's crime prevention and security awareness programs while encouraging students and employees to be responsible for their own security and the security of others.

10. Programs to Prevent Sexual Assault, Domestic Violence, Dating Violence, and Stalking

10.1. Primary Prevention and Awareness Programs

UNM provides Programs to Prevent Sexual Assault, Domestic Violence, Dating Violence, and Stalking that

are tailored to the needs of students and employees. They include Primary Prevention and Awareness Programs aimed at all incoming students and employees that are delivered both online and in person and are included as part of every incoming student's orientation. UNM's Programs include, at a minimum, a statement that the University expressed prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking as those terms are defined by the Clery Act, empowerment programming, affirmative consent, safe and positive options for Bystander Intervention, information on Risk Reduction, the procedures UNM will follow when one of these crimes is reported, and definitions of sexual assault, domestic violence, dating violence, stalking, and consent applied by the state of New Mexico. They also incorporate the following as they are further expanded upon in UAP 2740: Sex Discrimination, Including Sexual Assault and Other Related Misconduct:

- : Procedures victims should follow if one of these crimes has occurred.
- : Victims' options about the involvement of law enforcement and University officials.
- : The rights of victims and UNM's responsibilities for orders of protection, restraining orders, and No Contact Directives.
- : Information about how UNM will protect the confidentiality of victims and other necessary parties.
- : Existing services available for victims both within the University and in the community.
- : Options for, available assistance in, and how victims can request protective and other supportive measures.
- : A description of the written explanation the University provides to a student and employee who has been a victim of sexual assault, domestic violence, dating violence, or stalking about their rights and options, regardless of where the incident occurred.

10.1.1. Safe and Positive Options for Bystander Intervention

A bystander is a person who observes a conflict or unacceptable behavior. The observed behavior may be serious or minor, one-time, or repeated, but the bystander knows that the behavior is harmful or likely to make a situation worse. This person may be in a position to discourage, prevent, or interrupt unacceptable behavior. The bystander has two options: to remain a passive bystander who observes but does not intervene in any way, or to become an active bystander. UNM's Programs through the [LoboRESPECT Advocacy Center](#) provide more information about active Bystander Intervention.

Participation in Bystander Intervention does not replace or absolve mandatory reporting obligations for Responsible Employees under UAP 2740.

10.1.2. Risk Reduction

Experiences or traits that may make it more likely for someone to experience sexual assault, domestic violence, dating violence, or stalking include an unstable family dynamic, prior abuse or being exposed to abusive behavior in the past, isolation or weak social connections, bullying, addiction, homelessness, mental health issues, and poverty. The University acknowledges the role these risk factors play in the health of individuals and the UNM community overall and offers information on reducing them in its Programs and

on the [UNM Campus Safety page](#).

10.0.1. Institutional Response to Reports Procedures UNM Will Follow When It Receives a Report of Sexual Assault, Domestic Violence, Dating Violence, and Stalking

When a student or employee reports to a University official that they have been a victim of sexual assault, domestic violence, dating violence, or stalking, whether the offense occurred on or off campus, UNM will provide the student or employee with a written explanation of their rights and options.

The University's Discrimination Grievance Procedure (DGP) outlines how the University will carry out investigations, hearings, and sanctions for reports of alleged policy violations pertaining to gendered VAWA crimes that fall within the jurisdiction of [UAP 2740](#) and to non-gendered VAWA crimes that fall outside the scope of Title IX. The DGP also outlines how the University will carry out investigations, hearings, and sanctions for reports of alleged policy violations of VAWA crimes that fall within the jurisdiction of [UAP 2720](#).

When an individual reports one of these crimes to the University, regardless of whether the offense occurred on or off campus, UNM will follow its procedures outlined in [UAP 2740: Sex Discrimination Including Sexual Assault and Other Related Misconduct](#). Anyone who wishes to make a report, pursue an administrative complaint, or understand their administrative rights can find more information by reading [UAP 2740](#), contacting the [UNM Office of Compliance, Ethics & Equal Opportunity](#), or speaking with a confidential Campus Advocate.

10.0.2. Primary and Ongoing Prevention and Awareness Programs to Prevent New Mexico Definitions of Sexual Assault, Domestic Violence, Dating Violence, and Stalking, and Consent

As part of its responsibilities under the VAWA amendments to the Clery Act and the State of New Mexico House Bill 151, UNM provides primary and ongoing prevention and awareness programs to prevent sexual assault, domestic violence, dating violence, and stalking for students and employees. These programs include a range of prevention strategies, including empowerment programming, awareness-raising campaigns, primary prevention, bystander intervention and risk reduction, advise students of the policies and procedures on affirmative consent, and are included as part of every incoming student's orientation.

"Programs to prevent sexual assault, domestic violence, dating violence, and stalking" means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, dating violence, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent sexual assault, domestic violence, dating violence, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

11. Campus Security Authorities

CSAs are defined under the Clery Act as individuals at UNM who, because of their function for the University, have an obligation to notify the UNM Police Department of alleged Clery Act crimes that are reported to them in good faith, or alleged Clery Act crimes that they may personally witness. CSAs are defined by their University function, not by job title.

The Clery Act defines four categories of CSAs:

1. Campus police or security department. All members of the UNM Police Department are CSAs. Security officers at branch campuses and UNM West are also CSAs.
2. Any individual who is responsible for campus security in some capacity, but who is not a member of a UNM Police Department. This includes parking facility attendants; persons monitoring access to UNM events; UNM Hospital security; and student security.
3. Any individual or office at UNM identified in a University policy as an individual or office to which crimes should be reported.
4. University officials and others who have significant responsibility for student and campus activities. The Clery Act rules specifically designate the following as CSAs:
 - Police and security personnel
 - Dean of Students
 - Student Conduct Officer
 - Athletics Directors
 - Athletics Coaches
 - Director of Residence Life and Student Housing
 - General Manager of American Campus Communities
 - Director of Student Activities
 - Faculty/staff advisors to chartered student organizations
 - Coordinator of Greek Life
 - Residence Life and Student Housing/American Campus Communities Resident Advisors and Assistants
 - Sexual Assault Response Team

Many other UNM officials, such as Deans, are also CSAs based on their job duties. The idea behind CSAs is that not all crimes on campus are reported to the police department. A student, for example, who is the victim of a crime may feel more comfortable telling their resident advisor or athletics team coach. The Clery Act requires colleges and universities to collect crime reports from all individuals and offices who are CSAs in order to present complete and accurate data to the campus community and respond to safety issues.

The role of CSAs is to record any information of alleged Clery Act crimes that are reported to them or that they may personally witness and promptly submit that information through the online reporting form on the [CSA website](#).

Once a year when the annual Clery Act crime statistics are being compiled for publication, CSAs will receive a survey form asking whether any crimes were reported to the CSAs. The Clery Act Compliance Officer will distribute the survey form to CSAs from the Albuquerque campus and the Clery staff will distribute the survey form to CSAs not from the Albuquerque campus. CSAs must complete and return the survey form as directed.

The role of a CSA is not to investigate the allegation and decide whether a crime took place—that is the function of law enforcement. A campus CSA should not try to apprehend the alleged perpetrator of the crime. That, too, is the responsibility of law enforcement. It is also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so. A CSA's charge is to transmit information about alleged crimes to the Clery Act Compliance Officer and, if not from the Albuquerque campus, to Clery staff for appropriate follow-up. A CSA may also provide information to a victim of an alleged crime about resources available to assist them.

CSAs are required to complete Clery Act training during the first year they serve as CSAs. The training is coordinated by the Clery Act Compliance Officer and can be taken via an online module through Learning Central or on the Albuquerque campus's UNM Police Department website. The Clery Act Compliance Officer also offers in-person training classes for CSAs. In particular, the Clery Act Compliance Officer will coordinate an annual mandatory training on counting, collecting, and classifying crime statistics for designated staff from the Dean of Students Office, Health Sciences Center, Residence Life, and American Campus Communities.

Identifying CSAs will be coordinated by the Clery Act Compliance Officer and Clery staff. Because personnel and job duties change, someone who is a CSA one year may not be a CSA the following year, and vice versa. Identifying CSAs requires knowledge of the functions performed by employees in each department. Therefore, all UNM vice presidents, deans, department chairs, and other unit heads shall assist the Clery Act Compliance Officer and Clery staff in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

UNM's compliance with the Clery Act depends on the cooperation of CSAs. A CSA who fails to fulfill their responsibilities in that role is violating this policy and may be subject to disciplinary action.

12. Annual Clery Report

By October 1st of each year the Clery Report must be published and distributed to all currently enrolled UNM students and employees. The Clery Act permits institutions to distribute the Clery Report by posting it online and sending individual notification to each student and employee announcing the availability of the report, briefly describing the information contained and the exact URL address where the complete Clery Report is posted. The UNM Police Department and Clery Compliance Officer are responsible for posting the annual Clery Report on the UNM Police Department's website for each of the UNM campuses. For the Albuquerque campus, the UNM Police Department fulfills the notification requirements by sending email to all UNM students and employees; for branch campuses and UNM West, the Clery staff fulfill the notification requirements. Any person requesting a paper copy of the Clery Report shall be provided one without

charge.

The Clery Report must also be provided to prospective UNM students and employees upon request. Online and written materials for prospective students and employees should include the exact URL address where the Clery Report for the applicable campus is posted and a statement that UNM will provide a paper copy of the report upon request.

The Clery Act Compliance Officer and Clery staff, in collaboration with the UNM Police Department, are responsible for compiling statistics of the Clery Act crimes reported to CSAs, local law enforcement agencies and UNM Police Department. For the Albuquerque campus, the Dean of Students Office, UNM Residence Life and Student Housing, and American Campus Communities are responsible for providing statistics on referrals for disciplinary action for violations of state laws governing alcohol, drugs, and weapons use and possession to the Clery Act Compliance Officer. Corresponding offices, if any, at the branch campuses and UNM West provide such statistics to the Clery staff.

The annual Clery Report must also include information about any reported fires in University housing facilities. For the Albuquerque campus, Environmental Health and Safety Department, UNM Residence Life and Student Housing will provide fire statistics to the Clery Act Compliance Coordinator for on-campus student housing and UNM Family Housing, and the American Campus Communities will do the same for the student housing facilities it operates for UNM. The Environmental Health and Safety Department and the UNM Activities Center will collect fire statistics information from UNM's Greek housing facilities and submit that information to the Clery Act Compliance Officer. Residence Life and Student Housing and American Campus Communities will also provide to the Clery Act Compliance Officer all of the information on their respective fire safety policies and procedures required to be included in the annual Clery Report. For branch campuses, the Clery staff will coordinate the compilation of fire statistics for campus housing.

The UNM Clery Act Compliance Officer and Clery staff are responsible for ensuring that the annual Clery Report contains all of the statistics, University policies and procedures, program descriptions, and other information required by the Clery Act. The Clery Act Compliance Officer and Clery staff are also responsible for fulfilling UNM's obligation to annually report crime and fire incident statistics to the U.S. Department of Education via its web-based data collection.

13. Separate Campuses

Under the Clery Act, if an institution has more than one campus, each separate campus must comply independently with all of the Act's requirements. UNM's branch campuses at Gallup, Los Alamos, Taos, and Valencia qualify as separate campuses under the Clery Act and so must fulfill independently all of the Clery Act requirements.

Although the UNM West campus is not a branch campus, UNM West still qualifies as a "separate campus" because it meets the Clery Act definition of an "other location," which requires UNM West to comply independently with the Act's requirements similar to the branch campuses. The Clery Handbook defines "other locations" as "noncontiguous sites that have an organized program of study and administrative personnel on-site."

Each branch campus director and the director of UNM West shall designate Clery staff to oversee the compilation, publication, and distribution of the annual Clery Report. The Clery Act Compliance Officer

~~oversees the Clery staff's compilation of the branch campuses and UNM West's Clery Reports; reviews their Clery Reports before they are published and distributed; and reviews their crime and fire incident statistics before submission to the U.S. Department of Education.~~

For educational and awareness purposes, UNM's Programs also include the following terms of sexual assault, domestic violence, dating violence, stalking, and consent as they are defined in the state of New Mexico. These definitions are not used to classify Clery Act Offenses in UNM's annual disclosure of crime statistics as described in Section 6.1.1. of this Policy. Law enforcement uses the definitions below to pursue charges against an offender in the criminal justice system. UNM encourages anyone who experiences sexual assault, domestic violence, dating violence, stalking, or related misconduct or stalking and wishes to pursue criminal charges to discuss their full list of options with a law enforcement official and/or an attorney.

13.0.2.1. Sexual Assault

The state of New Mexico does not have a separate definition for "sexual assault." Instead, "Sexual Offenses" are outlined as specific criminal offenses as follows.

As used throughout this section, "force or coercion" means:

- A. the use of physical force or physical violence;
- B. the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats;
- C. the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats;
- D. the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act; or
- E. the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient's consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy.

Physical or verbal resistance of the victim is not an element of force or coercion.

Criminal Sexual Penetration (NM Stat § 30-9-11 (2024))

"Criminal sexual penetration" is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission. Criminal sexual penetration does not include medically indicated procedures.

"Aggravated criminal sexual penetration" consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal

sexual penetration.

"Criminal sexual penetration in the first degree" consists of all criminal sexual penetration perpetrated: (1) on a child under thirteen years of age; or (2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

"Criminal sexual penetration in the second degree" consists of all criminal sexual penetration perpetrated: (1) by the use of force or coercion on a child thirteen to eighteen years of age; (2) on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate; (3) by the use of force or coercion that results in personal injury to the victim; (4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; (5) in the commission of any other felony; or (6) when the perpetrator is armed with a deadly weapon.

"Criminal sexual penetration in the third degree" consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section.

"Criminal sexual penetration in the fourth degree" consists of all criminal sexual penetration: (1) not defined in the sections above perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or (2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Criminal Sexual Contact (NM Stat § 30-9-12 (2024))

As used throughout this section, "intimate parts" means the primary genital area, groin, buttocks, anus or breast.

"Criminal sexual contact" is the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one's intimate parts. Criminal sexual contact does not include touching by a psychotherapist on his patient that is: (1) inadvertent; (2) casual social contact not intended to be sexual in nature; or (3) generally recognized by mental health professionals as being a legitimate element of psychotherapy.

"Criminal sexual contact in the fourth degree" consists of all criminal sexual contact perpetrated: (1) by the use of force or coercion that results in personal injury to the victim; (2) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; or (3) when the perpetrator is armed with a deadly weapon.

Criminal sexual contact is a misdemeanor when perpetrated with the use of force or coercion.

Criminal Sexual Contact of a Minor (NM Stat § 30-9-13 (2024))

As used throughout this section, "intimate parts" means the primary genital area, groin, buttocks, anus or breast.

"Criminal sexual contact of a minor" is the unlawful and intentional touching of or applying force to the

intimate parts of a minor or the unlawful and intentional causing of a minor to touch one's intimate parts.

"Criminal sexual contact of a minor in the second degree" consists of all criminal sexual contact of the unclothed intimate parts of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit; (b) the perpetrator uses force or coercion that results in personal injury to the child; (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon.

"Criminal sexual contact of a minor in the third degree" consists of all criminal sexual contact of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit; (b) the perpetrator uses force or coercion which results in personal injury to the child; (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon.

"Criminal sexual contact of a minor in the fourth degree" consists of all criminal sexual contact: (1) not defined as "criminal sexual contact of a minor in the third degree", of a child thirteen to eighteen years of age perpetrated with force or coercion; or (2) of a minor perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

13.0.2.2. Domestic Violence

New Mexico Crimes Against Household Members Act

The "New Mexico Crimes Against Household Members Act" (NMSA 1978, § 30-3-10, et seq.) is the criminal code that outlines specific offenses that are considered misdemeanor or felony crimes when committed against a household member or against someone with whom the offender has a dating or intimate relationship.

As used throughout this section, "household member" means 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 a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of this law. "Continuing personal relationship" means a dating or intimate relationship. (NM Stat § 30-3-11 (2024))

"Assault against a household member" consists of:

- : An attempt to commit a battery against a household member; or
- : Any unlawful act, threat or menacing conduct that causes a household member to reasonably believe they are in danger of receiving an immediate battery. (NM Stat § 30-3-12 (2024))

"Aggravated assault against a household member" consists of:

- : Unlawfully assaulting or striking a household member with a deadly weapon; or

- : Willfully and intentionally assaulting a household member with intent to commit any felony. (NM Stat § 30-3-13 (2024))

“Assault against a household member with intent to commit a violent felony” consists of any person assaulting a household member with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second, or third degree, robbery, kidnapping, false imprisonment, or burglary. (NM Stat § 30-3-14 (2024))

“Battery against a household member” consists of the unlawful, intentional touching or application of force against a household member when done in a rude, insolent, or angry manner. (NM Stat § 30-3-15 (2024))

“Aggravated battery against a household member” consists of the unlawful touching or application of force against a household member with intent to injure that person or another. (NM Stat § 30-3-16 (2024))

“Criminal damage to property of household member; deprivation of property of household member” consists of intentionally damaging real, personal, community or jointly owned property of a household member with the intent to intimidate, threaten or harass that household member. (NM Stat § 30-3-18 (2024))

New Mexico Protection Against Abuse and Violence Act

The “New Mexico Protection Against Abuse and Violence Act” (formerly referred to as the “New Mexico Family Violence Protection Act”) (NM Stat § 40-13 (2024)) is the state’s civil statute that governs orders of protection and other domestic violence remedies. In it, “domestic abuse” means (1) an incident of stalking or sexual assault whether committed by a household member or not; or (2) an incident by a household member against another household member consisting of or resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear of bodily injury by any household member, criminal trespass, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, harassment, strangulation, suffocation; or harm or threatened harm to children as set forth in this paragraph. It does not mean the use of force in self-defense or the defense of another.

13.0.2.3. Dating Violence

The state of New Mexico does not have a separate definition for “dating violence.”

13.0.2.4. Stalking

The “New Mexico Harassment and Stalking Act” (NM Stat § 30-3A (2024)) is the criminal code that outlines specific offenses having to do with harassment and stalking. The provisions of this statute do not apply to picketing or public demonstrations that are lawful or that arise out of a bona fide labor dispute, or a peace officer in the performance of his duties.

As used throughout this section, “pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

“Harassment” consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

“Stalking” consists of 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, confinement or restraint of the individual or another individual. (NM Stat § 30-3A-3 (2024))

“Aggravated stalking” consists of stalking perpetrated by a person: (1) who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking; (2) in violation of a court order setting conditions of release and bond; (3) when the person is in possession of a deadly weapon; or (4) when the victim is less than sixteen years of age. (NM Stat § 30-3A-3.1 (2024))

13.0.2.5. Consent

NM House Bill 151: Post-Secondary Affirmative Consent Policies defines “affirmative consent” as the affirmative, conscious and voluntary agreement to engage in sexual activity.

13.1. Ongoing Prevention and Awareness Campaigns

Ongoing Campaigns meet all of the same standards as the Primary Prevention and Awareness Programs do and are sustained over time using various strategies designed to reach all populations of students and employees, such as through social media, literature, tailored presentations, tabling, and campus events.

14. Training

CSAs must complete training annually or on a recurring basis as directed by the Clery Coordinator.

In addition to completing CSA training, University officials who investigate, conduct proceedings, or hear appeals having to do with cases of dating violence, domestic violence, sexual assault and stalking must complete annual trauma-informed training on the issues related to these crimes and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. Such individuals include but are not limited to officials within the UNM Office of Compliance, Ethics & Equal Opportunity, the Hearing Office, Office of the President, and Board of Regents.

15. Records Retention

UNM will preserve documentation of its efforts and actions to comply with the Clery Act until the end of the retention period applicable to the record. Since all supporting records must be kept for three years following the publication of the last ASR to which they apply, and each ASR contains data for the previous three years, the University will retain its records for a period of seven years. The records are to be managed in a cognizable manner so they can be located and produced to the Department of Education and to other oversight entities consistent with federal regulations.

~~All supporting records must~~Records to be kept for three years following the publication of the last Clery Report to which they apply. Thus the records retention period is seven years after the date an incident was reported because each annual Clery Report includes data from the past three years. Records to be maintained include, but are not limited to; copies of crime reports; the daily crime logs; records ~~for~~related to arrests and referrals for disciplinary action; timely warning and emergency notification reports and assessment tools; documentation, such as letters to and from local police having to do with ~~Clery Act~~

[compliance statistical data collection](#); letters to and from CSAs; [training records](#); correspondence with the U.S. Department of Education regarding Clery Act compliance; [hazing information posted on the UNM website](#); and copies of notices to students and employees about the availability of the [annual Clery Report Annual Security and Fire Safety Reports](#).

16. References [and Appendices](#)

[Campus Security Authority Registration Portal](#)

[The Pathfinder, Campus Security Authorities](#)

[UAP 2710 \("Education Abroad Health and Safety"\)](#)

[UAP 2720 \("Prohibited Discrimination and Equal Opportunity"\)](#)

[UAP 2740 \("Sexual Misconduct"\)](#)[UAP 6110 \("Environmental Health and Safety"\)](#)

[Missing Resident Student Notification Policy and Procedure](#)

[Residence Hall Handbook](#)

[The University's Discrimination Grievance Procedure \(DGP\)](#)

[US Department of Education's "The Handbook for Campus Safety and Security Reporting" and other resources](#)

[Title IV of the Higher Education Act of 1965](#)

[Jeanne Clery Campus Safety Act](#)

[Stop Campus Hazing Act](#)

[Violence Against Women Act Reauthorization of 2013](#)

[Violence Against Women Act of 1994](#)

[NM House Bill 151: Post-Secondary Affirmative Consent Policies](#)

[2024 New Mexico Statutes Chapter 30 - Criminal Offenses, Article 9 - Sexual Offenses](#)

[New Mexico Crimes Against Household Members Act \(NMCAHM\)](#)

[New Mexico Protection Against Abuse and Violence Act \(formerly the Family Violence Protection Act\)](#)

[FBI Uniform Crime Reporting \(UCR\) Program](#)

[FBI UCR Summary Reporting System \(SRS\)](#)

[FBI UCR National Incident-Based Reporting System \(NIBRS\)](#)

[FBI UCR Hate Crime Data Collection Guidelines and Training Manual](#)

[U.S. Department of Education Campus Safety and Security Survey](#)

[RPM 8.2: Law Enforcement on Campus](#)

[UAP 2210: Campus Violence](#)

[UAP 6130: Emergency Control](#)

[UAP 5050: Facility Maintenance, Repair, and Alteration](#)

[UAP 2740: Sex Discrimination Including Sexual Assault and Other Related Misconduct](#)

[UNM Policy on Illegal Drugs and Alcohol](#)

[UNM Missing Resident Student Notification Policy & Procedure](#)

[UNM Anti-Hazing Policy](#)

[UNM Campus Safety Page](#)

[A Survivor's Guide to Rights & Options at UNM](#)

[UNM Annual Security & Fire Reports](#)

[Appendix A: A Current List of UNM's Separate Campuses](#)

[Appendix B: Contact Information for Campus Police Agencies and for State, Local, and Tribal Law Enforcement Agencies, Local, and Tribal Law Enforcement Agencies Near UNM's Campuses](#)

[Appendix C: Contact Information for Preferred Receivers of Crime and Fire Reports at the University](#)

[Appendix D: A Current List of Confidential Support Sites at UNM](#)

Approval Signatures

Step Description	Approver	Date
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DRAFT

Applicability

1. University-Level (RPM & UAP), 3. University Administrative (UAP)

Standards

No standards are associated with this document