

Campus Safety:

**Clery Act, Violence Against Women Act (VAWA)
Title IX, Sexual Violence Elimination Act (SaVE),
And Non-discrimination
2017-2018**



Campus Safety

Mesalands Community College strives to maintain a safe and secure environment in which individuals can work, learn, and study. Mesalands Community College is here to help in the event of an accident, vandalism, theft, emergency situation, and lost and found items.

Reporting Criminal Incidents

Members of the College community are urged to notify the Vice President of Student Affairs/Student Affairs Department immediately of any criminal activity or other emergency that occurs on campus. The Student Affairs Department will respond quickly and initiate whatever action is necessary to resolve the emergency, including activation of the Police Department and/or fire or medical agencies when appropriate. In case of an immediate emergency, dial 911 (9-911 on campus).

Confidential Crime Reporting

A victim or witness to a criminal offense may decide she/he does not want to pursue action or desires to keep their identity confidential. The person may want to consider making an anonymous report. The purpose of an anonymous report is to take steps to ensure the future safety of the reporting person and others. The College can use such information to keep accurate records about the number of incidents, look for patterns concerning location or methods of operation, and alert the campus community to potential danger. If a victim wishes to file an anonymous report, they may contact the Vice President of Student Affairs.

Timely Warning Notices

Special notices are issued by the Student Affairs Department (or members of the Emergency Alert Team) in a timely manner to publicize violent crimes or perceived patterns of crime in a particular area to heighten awareness and help prevent recurrences. Campus wide warnings may be issued using some or all of the following methods: Mesalands Emergency Alert System, mass e-mails, text messages, voicemails and intercom messages on office and classroom phones, and posting alerts on the Student Information System boards throughout campus. Alert notices may be placed for warnings in particular buildings or areas that have been targets of criminal activity. Please sign-up for the Emergency Alert System at www.mesalands.edu/alerts.

Before an Emergency Alert is issued, the individual actually issuing the alert should attempt to obtain verbal authorization from one of the individuals listed below (in order of preference), as well as direction as to which alert to issue.

Vice President of Student Affairs
Vice President of Academic Affairs
Vice President of Administrative Affairs
President of the College

In the event that none of the individuals listed are immediately available, this should not prohibit or delay the alert. Personal judgement should be used and if an emergency situation is deemed to exist the alert should be issued expediently without further authorization. In all cases 911 (on-campus 9-911) should be called immediately. Below is a list of Emergency Alert Staff:

Student Affairs Specialist in Student Affairs
Administrative Secretary to the Vice President of Academic Affairs
Administrative Assistant to the President
NAWRTC Administrative Assistant
Director of Enrollment Management
Evening Supervisor
SBDC Secretary

Facilities

With the exception of certain events which are open to the general public and advertised as such, the College's facilities and programs are generally intended for the use and benefit of the students and employees of the College. Visitors and guests seeking to utilize College facilities are expected to make prior arrangements with the appropriate College office, and their privilege to use the facilities is determined by the College regulations in effect. The College makes every effort to ensure that the campus facilities, buildings and grounds are designed and maintained in such a way as to promote safety and reduce criminal opportunity. Particular attention is paid to this concern in the design of landscaping, grounds keeping, and exterior lighting.

Weapons Policy

Possession or use of firearms, ammunition, explosives, fireworks, or other types of weapons is strictly forbidden on College property or at College-sponsored functions, by students or guests. (For the purpose of this policy, firearms and dangerous weapons may include - but are not limited to - rifles, pistols, shotguns, pellet guns, BB guns, dart guns, blank guns, blow guns, archery equipment, martial arts weapons; assorted edged weapons including daggers, hunting knives, or any other knife with a blade over three inches in length, and any other device that could be, or appears to be, of danger to other persons.) The Vice President of Student Affairs must be notified and shown proof of a concealed weapon permit.

Alcohol and Drug Policy

All matters relating to alcohol are governed by the New Mexico Liquor Code and related statutes. No person under 21 years of age is permitted to purchase, consume, transport or possess any alcoholic beverage. All violations of the College Alcohol Policy will be subject to criminal prosecution as well as College disciplinary sanctions.

The College strictly adheres to the federal and state laws which govern the possession, distribution or consumption of drugs or other controlled substances. Students illegally possessing, distributing or using such drugs, or controlled substances will be subject to criminal prosecution as well as College disciplinary sanctions. Please see the Student Handbook for further details.

Security Access

Mesalands Community College has a close working relationship with the Tucumcari Police Department, which provides security and law enforcement services for the college campus. The service includes 24-hour service through dispatch services (telephone 575-461-2160) and emergency access through 911 (9-911 on-campus).

Student Responsibility

Students are responsible for knowing the provisions of the Student Code of Conduct, and for abiding by all polices regarding conduct. Failure to comply with these regulations may result in disciplinary action. The Student Code of Conduct can be found in the Student Handbook and in this document. The Student Handbook can be accessed at <http://www.mesalands.edu/current-students/>.

Crime Prevention/Training/Education

Crime prevention programs and information are available on substance abuse, crime prevention, and sexual assault. Other safety-related topics are available through the Tucumcari Police Department. Programs and information can be accessed by simply completing a request through the Department of Student Affairs. With advance notice, the Tucumcari Police Department staff can also provide programs on related law enforcement topics.

Each fall and spring semester information on student safety topics are offered at New Student Orientation. Topics include Sexual Assault Awareness, alcohol and drug safety, and specialty topics such as texting and driving.

Each spring semester the College has a week long program dedicated to student safety called "Student Safety Week." During the week students are exposed to a multitude of topics, which includes educational programming, and interactive activities. The week culminates in the "Maze of Life" with booths sponsored by community-wide organizations promoting their services and healthy choice options.

At the beginning of each semester all new students and staff are enrolled in discrimination and sexual assault training through MyStudentBody.com. This interactive educational activity is sent via email, and participation is tracked.

The College also produces this booklet annually and this booklet and additional resources are located on the Mesalands website. A bulletin board with useful information and booklets are located in Building A. This booklet can also be found online at <http://www.mesalands.edu/current-students/>.

Off-Campus Activities

Mesalands Community College monitors and records possible criminal conduct at the off-campus activities sponsored by recognized student organizations. The College requires that the organization's Advisor submit a security report detailing any student behavior that is in conflict with the Code of Conduct immediately following any off-campus activity.

Criminal Offenses on Campus

The annual security report containing three years of campus crime statistics is completed by the Student Affairs Department and the Tucumcari Police Department, in compliance with the U.S. Student Right to Know & Campus Security Act (Public Law 101-542). It is mandated that certain data be published on an annual basis by each institution of higher education relating to the number of certain types of crimes reported to have occurred at the institution, along with the security measures that are in place to reduce the risk of criminal victimization for members of the community.

Sex Offender Information

Sex offenders are required to list the locations of all institutions of postsecondary education where they volunteer or are enrolled or employed. The State of New Mexico maintains a database identifying all such persons and makes it available to the public. The New Mexico Sex Offender Information page is located at www.nmsexoffender.dps.state.nm.us. The campus community may also obtain information by contacting the Quay County Sheriff's Department at 575.461-2160.

Bystander Intervention

Every campus has a population of bystanders who can help prevent dating violence, domestic violence, sexual assault and stalking. They can intervene when they see something happening, report actions, work proactively to spread positive messages, and not dismiss certain behaviors. When bystanders intervene, they are sending a message to perpetrators that their actions are not okay.

There are multiple actions that someone can take, in their own context, to help prevent dating violence, domestic violence, sexual assault and stalking. These types of actions can help change attitudes and the overall environment. Below are a few methods for bystander intervention:

- Believe that sexual violence is unacceptable and say it out loud
- Treat people with respect
- Speak up when you hear people making statements that blame victims
- Talk with friends about confronting sexual misconduct
- Encourage friends to trust their instincts in order to stay safe
- Be a knowledgeable resource for survivors
- Don't laugh at sexist jokes or comments
- Look out for friends at parties and bars
- Use campus resources
- Attend awareness events
- Empower survivors to tell their stories

Reactive Bystanders

There are times when a bystander may choose to be reactive. The following is a list of options for the reactive bystander:

- Provide a distraction that interrupts an interaction
- Directly engage one or more of the involved parties
- Get police or other authorities involved
- Tell someone else
- Get help
- Asking someone in a potentially dangerous situation if he/she wants to leave
- Make sure he/she gets home safely
- Ask a victim if he/she is okay
- Remind a potential perpetrator that incapacitated people can't give consent
- Help to remove him/her from the situation
- Provide options and a listening ear

Risk Reduction

Protecting Yourself & Others from Victimization.

Below are some risk reduction strategies to help protect yourself and your friends from sexual victimization:

- Trust your instincts
- Don't worry about offending someone – just get out
- Make your limits known as early as possible
- Say “NO” clearly and firmly
- Notice when your boundaries aren't being respected
- Assert your right to have those boundaries respected
- Be “situationally aware” by taking note of your surroundings and who is present
- Don't be afraid to ask for help in situations where you don't feel safe
- Take responsibility for your alcohol/other drug intake, and acknowledge these substances can lower your inhibitions and may make you vulnerable to someone who views a drunk/ high person as a sexual opportunity
- Travel with others
- Lock doors and windows in your car and living space
- Look out for your friends and ask that they look out for you, too
- Respect a friend who challenges you if you're about to make a poor decision
- And NEVER blame yourself if an act of sexual misconduct or sexual violence occurs! The only person responsible in that situation is the perpetrator.

Reducing Your Risk of Becoming an Aggressor of Sexual Violence

You may also want to proactively help people *not* become aggressors of dating violence, domestic violence, sexual assault and stalking. Friends are often the biggest influencers when it comes to this type of prevention.

To reduce the risk of becoming an aggressor:

- Listen carefully to what your partner is saying
- Pay attention to both verbal and non-verbal communication, and body language
- Clearly communicate your intentions
- Only proceed with sexual activity if there is clear consent
- Don't make assumptions about consent, someone's sexual availability, whether he/she is attracted to you, how far you can go or whether he/she is physically and/or mentally able to consent
- Stop if there are mixed messages so you and your partner can communicate better
- Don't take silence or passivity as an indication of consent
- If you sense there are any questions or ambiguity, you don't have consent – so stop!
- Realize that consent to one form of sexual behavior doesn't automatically imply consent to other forms of sexual behavior – ask
- Respect those you are with, including their personal boundaries
- Don't accept dares or give in to peer pressure
- Watch your alcohol/other drug intake so your decision-making isn't compromised
- Don't take advantage of someone being drunk or in a drugged state – being incapacitated means that person is unable to give consent
- If you have a power advantage (gender, size, etc.), recognize that this could make your partner intimidated or fearful – don't abuse that power
- Handle ongoing issues of anger, aggression, depression and more with a counselor

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)

Crime statistics for campus are obtained from criminal incidents reported to the Student Affairs Department, and the Tucumcari Police Department for inclusion in the Clery Act Statistics. The statistics gathered from the aforementioned sources are then recorded on the Clery Act Reporting Form by the Student Affairs Department and disseminated to the campus community via the webpage <http://www.mesalands.edu/about/campus-safety/>, under Mesalands Community College Crime Statistics.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires that crime statistics to be shown by the following geographic categories:

- On Campus Property- any building or property owned or controlled by the College within the same reasonably contiguous geographic area of the College and used by the College in direct support or related to the College's educational purposes, and property within the same reasonably contiguous geographic area of the college that is owned by the College but controlled by another person, and which is used by students and supports institutional purposes.
- Non Campus Property- any building or property owned or controlled by a student organization that is officially recognized by the College, and any building or property owned or controlled by the College that is used in direct support of, or in relation to the College's educational purposed, is frequently used by students, and is not within the same reasonably contiguous area of the College.
- Public Property- all public property, including thoroughfares, streets, sidewalks, and parking facilities that is within the campus or immediately adjacent to and accessible from the campus.

Violence Against Women Act (VAWA)

President Obama signed the Violence Against Women Reauthorization Act of 2013 on March 7, 2013, imposing new obligations on college and university campuses under its Campus Sexual Violence Elimination (SaVE) Act provision. These obligations went into effect on March 7, 2014. Final regulations for the Violence Against Women Act (VAWA) were published in the *Federal Register* on October 20, 2014. The regulations go into effect on July 1, 2015.

The VAWA/Campus SaVE Act amends parts of the Clery Act and the Higher Education Act of 1965 under the Student Assistance General Provisions (New, 10/20/14). *It does not modify Title IX.* The most notable amendments are those that require institutions to now include statistics on incidents of dating violence, domestic violence, sexual assault and stalking. According to cleryact.info, only sexual assault statistics were required in the past. Institutions must also include information about certain policies, procedures and programs pertaining to incidents of dating violence, domestic violence, sexual assault and stalking,

Title IX

Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at recipient institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient's educational programs and activities, recruitment, equal access to all programs, financial assistance, and athletics.

The Campus Sexual Violence Elimination Act

The Campus Sexual Violence Elimination Act, or Campus SaVE Act (SaVE), is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX that to help bolster the response to and prevention of sexual violence in higher education. President Obama signed the measure into law as part of the Violence Against Women Reauthorization Act of 2013 on March 7, 2013.

SaVE requires colleges and universities, both public and private, participating in federal student aid programs to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming.

Title IX Coordinator

Inquiries regarding equal opportunity policies or the filing of complaints may be directed to: Dr. Aaron Kennedy, Vice President of Student Affairs aaronk@mesalands.edu
911 South Tenth Street, Building A, Tucumcari, New Mexico 88401, 575-461-4413, ext. 189

Equal Opportunity Non-Discrimination/Non-Retaliation Statement

Mesalands Community College is committed to the policy of equal opportunity in employment and education regardless of race, color, ancestry, religion, national origin, sex, age, physical or mental disability, serious medical condition, veteran status, spousal affiliation, sexual orientation, gender identity or any other basis prohibited by federal, state, or local law.

In compliance with Titles II, VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and Section 402 of the Vietnam Era Veteran's Readjustment Act of 1974, the New Mexico Human Rights Act and any other applicable federal, state and local laws, Mesalands Community College does not discriminate against any applicant, employee or student. This policy covers admission, access, and service in College programs and activities, and application and treatment in College employment. This policy also applies to all aspects of employment, including but not limited to hiring decision, promotions, training, pay, benefits, layoffs, discipline and terminations. In addition, it continues to be the policy of Mesalands Community College to maintain a working environment free of discrimination and harassment. Mesalands Community College also strictly forbids any form of retaliation against an employee who in good faith makes a complaint, raises a concern, provides information or otherwise assists in an investigation or proceeding regarding any conduct that he or she reasonably believes to be in violation of the policies set forth in the Personnel Handbook.

This policy is designed to ensure that all employees feel comfortable speaking up when they see or suspect illegal or unethical conduct without fear of retaliation. It is also intended to encourage all employees to cooperate with Mesalands in the internal investigation of any matter by providing honest, truthful and complete information without fear of retaliation.

NOTE: Mesalands Community College makes reasonable accommodations to allow qualified applicants and employees with disabilities equal opportunity for employment. And qualified students that have the ability to benefit, equal educational opportunities

Pregnant and Parenting Students

Title IX regulations prohibit applying any rule (a) concerning parental, family, or marital status that treats persons differently on the basis of sex; or (b) discriminating against or excluding any student from its education program or activity, including any class or extracurricular activity on

the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

Discipline

Title IX prohibits an institution from subjecting any person to separate or different rules of behavior, sanctions, or other treatment, such as discriminatory discipline, based on sex, gender identity or for failing to conform to stereotypical notions of masculinity or femininity in their behavior or appearance.

Employment

Under Title IX regulations, institutions are generally prohibited from discriminating on the basis of sex in any employment or recruitment, consideration or selection for employment, whether full-time or part-time. This includes employment actions such as recruitment, hiring, promotion, compensation, grants of leave, and benefits. Additionally, Title IX's employment provisions protect against discrimination based on an applicant's or employee's pregnancy or marital or parental status. Finally, institutions may not employ students in a way that discriminates against one sex, or provide services to any other organization that does so.

Retaliation

An institution cannot retaliate against an individual, for the purpose of interfering with any right or privilege secured by Title IX. Retaliation against an individual because the individual filed a complaint alleging a violation of Title IX; participated in a Title IX investigation, hearing, or proceeding; or advocated for others' Title IX rights is also prohibited.

Sex-Based Harassment

In order to best perform academically and to have equal access to all aspects of a recipient's educational programs and activities, students must not be subjected to unlawful harassment, either in the classroom or while participating in other education programs or activities. Title IX prohibits sex-based harassment by peers, employees, or third parties that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (*i.e.*, creates a hostile environment).

Title IX prohibits several types of sex-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Gender-based harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. All of these types of sex based harassment are forms of sex discrimination prohibited by Title IX.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment. Title IX protects all students from sex-based harassment, regardless of the sex of the alleged perpetrator or complainant, including when they are members of the same sex. Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Procedures to Follow if Sexual Violence or Misconduct Happens to You

If you are in danger, dial 911 (on-campus 9-911), and you will be connected with the Tucumcari Police Department. If you are off-campus also dial 911, and you may also want to call a trusted family member or friend. Seek medical attention, if you have serious injuries. In Tucumcari seek emergency medical attention at the Dan C. Trigg Memorial Hospital (575-461-7000). In the Tucumcari area you may also wish to contact SANE (Sexual Assault Nurse Examiners) at 575-226-7263 for information about receiving a sexual assault examination. You may also contact the ARISE Victim Advocate Office at 575-461-2075.

It is important for individuals who have experienced sexual violence or misconduct, in particular sexual assault, to understand the steps to take to preserve evidence for use later to support a criminal case. All those who have experienced a crime have the right to report a crime to police at any time, regardless of when it occurred. However, the sooner you file a report of a sexual assault, the better the chances that helpful evidence can be collected to support a criminal case, that you will be able to convey a clear account of what happened, and that the police will be able to identify and speak with witnesses.

How to Report an Incident

The College recognizes that sexual assault, sexual misconduct, domestic violence, sexual harassment, stalking, dating violence, and/or relationship abuse is a very traumatic crime and as such it will endeavor to work with students who are victims of such crimes to reduce fears and concerns regarding their personal safety. Depending on the nature of the incident, one or more of the following options may apply:

1. A student may proceed with an on-campus complaint through the College student conduct system, or a complaint can be filed with the Title IX coordinator.
2. Though the decision to contact the police is a personal one, the College is committed to supporting victims who decide to report the crime to the police. Deciding whether to report the crime to the police may be very difficult, but if you do decide to pursue criminal charges, you can proceed with off-campus criminal charges by filing a complaint with the Tucumcari Police Department.
3. You may request a court-issued restraining order through the Tucumcari Police Department.
4. You do not have to pursue any official action.

Remember: Whatever option you decide, it is important that you at least report and document the incident.

Procedures for resolving Title IX complaints

Mesalands Community College will not tolerate discrimination, sexual harassment, sexual assault, sexual misconduct, domestic violence, stalking, dating violence, and/or relationship abuse in any form. Where there is probable cause to believe that the College's regulations prohibiting such acts have been violated, the College will encourage the alleged victim to pursue disciplinary action through the student conduct process, or the Title IX Coordinator. Disciplinary sanctions for sexual assault violations may include suspension, dismissal or expulsion from the College. A student charged with sexual assault can be prosecuted under New Mexico criminal statutes and disciplined under the College's student conduct process. In those instances, in which criminal justice authorities choose not to prosecute a student for involvement in an alleged sexual assault, the victim retains the option to pursue disciplinary action with the Title IX Coordinator or the student conduct system.

The Title IX coordinator is responsible for coordinating the grievance process and making certain that individual complaints are handled properly. This coordination responsibility includes informing all parties regarding the process, notifying all parties regarding grievance decisions and of the right to and procedures for appeal, if any; monitoring compliance with all of the requirements and timelines specified in the grievance procedures; and maintaining grievance and compliance records and files.

At times, persons may be hesitant to report the occurrence of sexual misconduct or violence to College officials because they are concerned that they themselves, or witnesses to, or persons with knowledge of the conduct, might be charged with violations of the College's alcohol and/or drug policies. While the College does not condone these behaviors, it places a higher priority on the need to address instances of sexual misconduct and violence. In such cases, the College will not pursue disciplinary action towards violations of the alcohol and/or drug policies against a person who, in good faith, reports misconduct or violence, is a witness to, or has knowledge of the incident. Furthermore, in cases of alleged sexual assault, domestic violence, dating violence, stalking, sexual harassment, and sexual misconduct, the investigation will be completed by the Title IX coordinator.

Administrative Investigation Process

If a complaint has been properly filed, or the College otherwise determines that an administrative investigation is necessary, The Title IX Coordinator will notify the College President, then promptly notify the respondent of the complaint, provide the student with a copy of the complaint, and invite the respondent to submit a written response to the complaint. If the respondent does not respond, or otherwise fails to participate in the administrative investigation, the Title IX Coordinator will complete the administrative investigation on the basis of the other information obtained. Where a complaint is brought by a third party reporter, the Title IX Coordinator shall attempt to meet with the potential complainant to discuss their participation in the administrative investigation and gain additional information.

The administrative investigation shall include, but is not limited to an analysis of the allegations and defenses presented using the preponderance of evidence standard; consideration of all relevant documents, including written statements and other materials presented by the parties; interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party that the Title IX Coordinator has deemed relevant. The Title IX Coordinator may review the investigation reports of local law enforcement authorities.

In regards to the complaints alleging sexual violence or other gender-based misconduct, questions, statements, or information about the sexual activity of the complainant or alleged victim with any person other than the respondent is not relevant and will not be considered. If the complainant raises the issue of their own sexual activity with anyone other than the respondent, the Title IX Coordinator may ask relevant questions about that relationship. Parties to complaints of sexual violence or other gender-based misconduct are permitted to submit questions for the administrative investigator to ask of the other parties and witnesses, but the questions must be specifically about the allegations of the present complaint.

At the conclusion of the administrative investigation, the Title IX Coordinator shall prepare an Administrative Investigation Report. The Administrative Investigation Report shall: outline the administrative investigation steps undertaken; summarize the factual findings; state whether a policy violation has occurred based on the preponderance of evidence; explain the rationale for the violation determination; and if applicable, recommend a sanction(s).

Compliance with these provisions does not constitute a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Advisors

Students have the right to an advisor to be present during any meetings regarding the process and disciplinary proceedings. Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor's role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. The College reserves the right to remove from the meeting or proceedings any advisor who disrupts the process, or who does not abide by the restrictions on their participation. In addition, please note that the College does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the advisee. At this time Mesalands Community College does not allow recording devices, or legal counsel to attend any proceedings.

DISCIPLINARY SANCTIONS: If the Vice President of Student Affairs concludes that evidence in a complaint warrants disciplinary action, the Vice President will provide written notification to the student as early as possible. Disciplinary action may include, but IS NOT limited to, the following steps:

Reprimand: Any misconduct that is regarded as a minor infraction. The reprimand may include, but is not limited to: counseling and documentation of the incident in the Student Affairs Records.

Disciplinary Probation: Any misconduct leading to probation will be regarded as a major offense. Probation is applied for a stated time period and may include restrictive conditions. These restrictions may include:

- Restricting a student from all or certain College facilities.
- Denial of scholarships.
- Removal from any position of leadership or participation in a College student organization or activity.
- Specific improvement in student behavior or attitude during the probationary period.

Suspension: Any misconduct leading to suspension is regarded as a major offense. Suspension will be for a specific period of time, but in no case less than the remainder of the semester. During a suspension the student is denied:

- The right to attend classes.
- Participation in College activities.
- The right to be on campus for any reason, until such time as the student is approved for readmittance by the Vice President of Student Affairs.

Expulsion: Any offense of such a serious nature that the student may have their status as a College student completely terminated for an indefinite time period.

Appeal

For cases where it has been recommended that a student be suspended or expelled from the College, the student found responsible by the Title IX Coordinator may appeal to the President or their designee. In all sexual misconduct cases, the request for appeal must be submitted in writing by the Title IX Coordinator within five (5) business days of the date of receipt of the original written decision. The original decision of the Title IX Coordinator shall be final and conclusive, if no appeal is made within the prescribed time. Appeals may be submitted on the following grounds:

1. To allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or

2. To consider new evidence that was not known at the time of investigation that would substantially change the outcome.

Appeals will not be considered on any other basis. Where practicable, within thirty (30) days of receiving the appeal, the President or designee shall issue a written decision to the parties in which they may uphold, reverse or modify the decision. All appellate decisions are final.

Important Information

Students may request to change academic situations after an alleged sexual assault, sexual misconduct, domestic violence, sexual harassment, stalking, dating violence, and/or relationship abuse incident, and may request assistance to do so if changes are reasonably available. Please see the Title IX Coordinator for assistance.

Rights of complainants alleging sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation:

- to an explanation of the options available;
- to referrals to confidential assistance and support services;
- to a change and/or an adjustment to their academic schedule if such changes are reasonably available;
- to request that the College impose no contact/communication orders or other interim measures;
- to make a complaint that starts the College's investigation and resolution processes;
- to a prompt, thorough and equitable investigation and resolution of a complaint;
- to choose whether or not to initiate a formal investigation of the complaint, unless the College deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- to the confidentiality of the investigation process to the extent possible;
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- to reasonable accommodations for a documented disability during the process;
- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to file no complaint with the College, but receive support services from the College;
- to file a police report and/or take legal action separate from and/or in addition to the College discipline process;
- to seek and enforce a no contact, restraining or similar court order;
- to be assisted by the College in seeking assistance from or filing a complaint with local law enforcement;
- to not file a complaint or seek assistance from local law enforcement, but receive support services from the College;

- to be free from any behavior that may be construed by the College to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with College Policy.

Rights of respondents to claims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation:

- to an explanation of the allegations against them;
- to referrals to confidential assistance and support services;
- to receive a copy of the complaint filed against them;
- to be presumed not in violation of College policy until a violation is established through the complaint investigation process;
- to the confidentiality of the investigation process to the extent possible;
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- to reasonable accommodations for a documented disability during the process;
- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the investigation and resolution process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with College Policy.

STUDENT CODE OF CONDUCT AND PROCEDURES

The ability to respect other people is an important element in college and career success. Respect is reflected in the actions, attitudes, and words used around other people, as well as the volume of conversations. This shows consideration for others. Educated people can listen respectfully to other people's opinions, even if they disagree. Respectful people are considerate of cultural, social, economic, sexual preferences, and gender differences. Remember that as a student at Mesalands Community College, you are a reflection of the College and the education you are earning here. Please make it positive.

The following is the Student Code of Conduct students are expected to follow:

6.6.1 STANDARDS OF CONDUCT: Conduct that may lead to disciplinary action may include, but is not limited to, the following violations:

6.6.1.1 Violation of federal, state, or local law on the Mesalands Community College campus or at College-sponsored events.

6.6.1.2 Failure to comply with directions of Mesalands Community College officials acting in the capacities of their duties.

6.6.1.3 Failure to identify one's self when a legitimate request to do so is made by a College official or staff member.

6.6.1.4 Violating established rules, policies, or regulations of Mesalands Community College.

6.6.1.5 Violation of human dignity includes, but is not limited to: racial or verbal abuse, threats, intimidation, harassment, coercion, and physical abuse or assault which threatens or endangers the physical health or safety of any member of the College community.

6.6.1.6 Theft, attempted theft, vandalism, or damage to property of Mesalands Community College or any member of the College community.

6.6.1.7 Hazing, which is defined as an act that endangers the mental or physical health of a student as an initiation into a group or organization.

6.6.1.8 Any form of behavior which constitutes indecent, lewd, or disorderly conduct on Mesalands Community College premises.

6.6.1.9 Disruption or obstruction of an individual's pursuit of education or the learning environment during College-related activities. This includes public service or student activities off campus.

6.6.1.10 Unauthorized possession, duplication, or use of any College facility key or use of keys to gain access to College premises.

6.6.1.11 failure to meet financial obligations to the College.

6.6.1.12 Theft or abuse of computer time including, but not limited to the following:

- Unauthorized downloading of files or software programs.
- Unauthorized entry into files.
- Unauthorized transfer, deletion, or change of files.
- Unauthorized use of a password or security code.

- Using computer facilities to interfere with normal operations.
- Intentionally damaging or interrupting institutional computer operations.

6.6.1.13 Possession, distribution, sale, use, or being under the influence of alcoholic beverages, illegal drugs, or controlled substances on College property or at College functions.

6.6.1.13.1 **DRUG-FREE WORKPLACE POLICY:** It is the policy of Mesalands Community College to provide a safe environment for its employees, students, and members of the public. Accordingly, Mesalands Community College adheres to the Drug-Free Workplace Act of 1988, the Omnibus Transportation Act of 1991, and any state and local law regarding the use, sale, or possession of alcohol and controlled substances on College property.

6.6.1.13.2 **PROHIBITIONS:** Mesalands Community College forbids any employee or student from possessing, using, selling, distributing, or being under the influence of alcohol or drugs, and from possessing, using, selling, or distributing drug paraphernalia while on College property or while involved in student activities.

6.6.1.13.3 **DEFINITIONS:** For purposes of these Alcohol and Substance Abuse Procedures and Regulations:

- “Alcohol” includes all consumable non-prescription substances which contain alcohol; specifically including without limitation spirits, wine, malt beverages, and liquor.
- “Drug” means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines; any non-prescription substance containing those drugs, or any prescription drugs which are not specifically prescribed by a physician for the particular applicant or employee.
- “Reasonable suspicion” means a belief drawn from specific objective and articulated facts and the reasonable inferences drawn from those facts.

6.6.1.14 Dating violence, domestic violence, sexual assault, stalking, and sexual harassment of a student or employee at Mesalands Community College is strictly forbidden.

SEXUAL HARASSMENT: If alleged misconduct deals with dating violence, domestic violence, sexual assault, stalking, or sexual harassment, the investigation will be immediately referred to the Title IX Coordinator. Dr. Aaron Kennedy, Vice President of Student Affairs aaronk@mesalands.edu
911 South Tenth Street, Building A, Tucumcari, New Mexico 88401, 575-461-4413 ext. 189.

6.6.1.15 Possession or use of firearms, ammunition, explosives, fireworks, or other types of weapons is strictly forbidden on College property or at College-sponsored functions. (For the purpose of this policy, firearms and dangerous weapons may include, but are not limited to, rifles, pistols, shotguns, pellet guns, BB guns, dart guns, blank guns, blow guns, archery equipment, martial arts weapons, assorted edged weapons including daggers, hunting knives, or any other knife with a blade over three inches in length, and any other device that could be, or appears to be, of danger to other persons.)

The Vice President of Student Affairs must be notified and shown proof of a concealed weapon permit.

Students and their guests are not allowed to have weapons of any kind on campus. Any person found in violation of this policy will be subject to

suspension/expulsion from the College.

6.6.1.16 Acts of dishonesty including, but not limited to, the following:

- Giving false information to a College official.
- Use of a fraudulent document.
- Possession or alteration of any College document, record, or seal including student I.D. cards.
- Tampering with the election process of any student club or organization.
- Breach of Academic Integrity.

6.6.1.16.1 The integrity of an academic program rests on the principle that the grades awarded to students reflect only their own individual efforts and achievement. Students are required to perform the work specified by the instructor and are responsible for the content of work submitted, such as papers, reports, and examinations.

A breach of the rule of Academic Integrity and Conduct occurs if:

- A student knowingly represents the work of others as his/her own (plagiarism).
- A student uses or obtains unauthorized assistance in any academic work (cheating).
- A student gives fraudulent assistance to another student (facilitating academic dishonesty).
- A student knowingly falsifies or fabricates information, research, or citations (fabrication).

Breach of academic integrity or conduct may result in disciplinary action, which could include suspension or expulsion from the College.

6.6.2 VIOLATIONS OF THE CODE OF CONDUCT: Violations are assessed through the Vice President of Student Affairs.

6.6.2.1 In instances of conduct that violate local, state, or federal law, the Vice President of Student Affairs may elect to refer violations to local law enforcement agencies for investigation.

6.6.2.2 Upon receipt of a written complaint, the Vice President of Student Affairs will determine if the presence of a student poses a threat to the College community or property.

Immediate interim suspension may be invoked until an investigation can take place.

6.6.2.3 All complaints regarding student conduct will be maintained on file in the Office of Student Affairs.

6.6.2.4 The Vice President of Student Affairs will investigate and gather evidence regarding complaints regarding student misconduct.

6.6.2.5 Complaints regarding student misconduct must be filed on a Security Incident Report form and signed by the complainant.

6.6.2.6 If alleged misconduct deals with racial harassment, or hate/bigotry, the investigation will be immediately referred to the Title IX Coordinator.

6.6.3 DISCIPLINARY SANCTIONS: If the Vice President of Student Affairs concludes that evidence in a complaint warrants disciplinary action, the Vice President will provide written notification to the student as early as possible. Disciplinary action may include, but IS NOT limited to, the following steps:

6.6.3.1 Reprimand: Any misconduct that is regarded as a minor infraction. The reprimand may include, but is not limited to: counseling and documentation of the incident in the Student Affairs Records.

6.6.3.2 Disciplinary Probation: Any misconduct leading to probation will be regarded as a major offense. Probation is applied for a stated time period and may include restrictive conditions. These restrictions may include:

- Restricting a student from all or certain College facilities.
- Denial of scholarships.
- Removal from any position of leadership or participation in a College student organization or activity.
- Specific improvement in student behavior or attitude during the probationary period.

6.6.3.3 Suspension: Any misconduct leading to suspension is regarded as a major offense. Suspension will be for a specific period of time, but in no case less than the remainder of the semester. During a suspension the student is denied:

- The right to attend classes.
- Participation in College activities.
- The right to be on campus for any reason, until such time as the student is approved for readmittance by the Vice President of Student Affairs.

6.6.3.4 Expulsion: Any offense of such a serious nature that the student may have their status as a College student completely terminated for an indefinite time period.

6.6.4 DUE PROCESS: The responsibility for administering discipline at Mesalands Community College rests with the Vice President of Student Affairs. The Vice President of Student Affairs is responsible for investigating all complaints of misconduct. When a student is suspected of an infraction of College regulations, he/she will be given due process. If the infraction includes the possibility of suspension or expulsion, the student will be notified in writing of the student's suspected commission of an infraction and the College will afford the student an opportunity to meet with the Vice President of Student Affairs or his/her designee in order to respond to the complaint regarding allegations underlying the suspected infraction.

6.6.4.1 The Vice President of Student Affairs will render a finding after appropriate facts, interviews, and evidence have been reviewed. At that time, the student will be notified in writing of any disciplinary action.

6.6.4.2 If the student desires to appeal the Vice President's decision, he or she must submit written notification to the Vice President within three working days after receiving the decision. The Vice President of Student Affairs will then schedule a hearing with the Disciplinary Appeals Committee. The student will be notified of the date, time, and place of the appeal hearing.

The Disciplinary Appeals Committee is chaired by the Vice President of Academic Affairs and includes the following personnel:

- The student's department head
- Academic advisor
- Faculty member of the student's choice

- Student Senate President

6.6.4.3 At the appeals hearing the Vice President of Student Affairs will present charges against the student, along with any substantiating evidence or witnesses. The student in turn may present evidence or witnesses on his/her behalf. After hearing all evidence, the Disciplinary Appeals Committee will meet in closed session to render a decision. The committee options include:

- Upholding the decision of the Vice President of Student Affairs.
- Modifying the student's penalty.
- Dismissing the case against the student.

The student and Vice President of Student Affairs will be informed of the decision as soon as possible. The decision of the Disciplinary Appeals Committee is final.

At this time, Mesalands Community College does not allow recording devices or legal counsel at any proceedings.

Important Definitions

As with any complex legislation, VAWA's reauthorization included a number of terms and definitions. A few key ones that can inform campus policies and procedures are listed below; all can be found in the *Federal Register* at www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act.

Consent: "The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter." The Department explains, "Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not be able to consent. Further, one would not be able to infer consent under circumstances in which consent was not clear, including but not limited to the absence of 'no' or 'stop,' or the existence of a prior or current relationship or sexual activity." Please note: The Department of Education does not mandate a specific definition of consent for the administration and enforcement of the Clery Act. In the finalized rule (10/20/14), draft language is provided as a starting point for institutions to utilize and adapt as necessary.

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—

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse

Dating violence does not include acts covered under the definition of domestic violence"

Please note: Though "dating violence" might not be a crime in your state, the Department of Education considers it a crime for the purposes of Clery reporting

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"

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"

Rape: "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" Please note: This definition pays no regard to gender or sex, which means that institutions are responsible for providing support services to all victims

Sexual Assault: "An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's UCR program"

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—

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

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling"

Statutory Rape: "Sexual intercourse with a person who is under the statutory age of consent"

Additional Definitions

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."

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."

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."

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.”

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.” Define the terms “proceeding” and “result”

RESOURCES

Mesalands Community College

911 South Tenth Street
Tucumcari, New Mexico 88401
Phone (575) 461-4413
Fax (575)461-1901
www.mesalands.edu

Campus Security Officer

Vice President of Student Affairs
Title IX Coordinator
Mesalands Student Affairs Department
575-461-4413 (ext. 189)

Tucumcari Police Department

575-461-2160 (non-emergency)
911 emergency

Quay County Sheriff's Office

575-461-2160
911 emergency

New Mexico State Police

575-827-9315
911 emergency

Dr. Dan C. Trigg Memorial Hospital

301 E. Miel De Luna Avenue
575-461-7000

Arise

Sexual Assault Services
24/7 Crisis Helpline and Sexual Assault Nurse Examiners
(SANE) 575-226-7263

Directory of Local Resources and Human Services Organizations

<http://www.mesalands.edu/about/campus-safety/directory-of-local-resources/>

Bringing in the Bystander

<http://cola.unh.edu/prevention-innovations/bringing-bystander@>

CDC's Dating Matters: Strategies to Promote Healthy Teen Relationships

www.cdc.gov/violenceprevention/datingmatters

Clery Act Regulations

www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=34:3.1.3.1.34.4.39.6

Department of Education: Clery Act Training

www.ed.gov/admins/lead/safety/campus.html

Department of Education: Questions and Answers on Title IX and Sexual Violence
www.ed.gov/ocr/docs/ga-201404-title-ix.pdf

Department of Education: Violence Against Women Reauthorization Act of 2013 Amendments to the Clery Act, Final Rule
www.gpo.gov/fdsys/pkg/FR-2014-10-20/pdf/2014-24284.pdf

Every Choice by Little Green Dot, Etc.
www.every-choice.com

Family Policy Compliance Office (FPCO)
www.ed.gov/fpc

Department of Education, Guidance – Addressing Emergencies on Campus
www2.ed.gov/policy/gen/guid/fpc/pdf/emergency-guidance.pdf

Handbook for Campus Safety and Security Reporting
www.ed.gov/admins/lead/safety/handbook.pdf

Haven by Everfi
www.everfi.com/haven

It's On Us Campaign
www.itsonus.org

Male Survivor
www.malesurvivor.org

Men Can Stop Rape
www.mencanstoprape.org

Mentors in Violence Prevention Program (MVP)
www.mvpngnational.org

Mesalands Campus Safety
<http://www.mesalands.edu/about/campus-safety/>

National Dating Abuse Helpline and Love is Respect
1-866-331-9474 or text 77054 or www.loveisrespect.org

National Domestic Violence Hotline
1-800-799-SAFE (7233)

National Sexual Assault Hotline
1-800-656-HOPE (4673)

National Sexual Violence Resource Center
www.nsvrc.org

NCAA Violence Prevention
www.ncaa.org/violenceprevention

Not Alone Campaign
www.sptsusa.org/not-alone-campaign-2016/

One in Four: The Men's Program
www.oneinfourusa.org/themensprogram.php

Rape, Abuse & Incest National Network (RAINN)

www.rainn.org

Substance Abuse and Mental Health Administration: Concept of Trauma and Guidance for a Trauma-Informed Approach

<http://store.samhsa.gov/shin/content/SMA14-4884/SMA14-4884.pdf>

The Red Flag Campaign

www.theredflagcampaign.org

The White Ribbon Campaign – To end violence against women

www.whiteribbon.ca

Title IX/Clery Act Intersection Chart

www.notalone.gov/assets/ferpa-clerychart.pdf

Toolkit for Working with Men and Boys

www.nsvrc.org/elearning/2471

U.S. Department of Justice: Office on Violence Against Women

www.justice.gov/ovw

Victims Rights Law Center, Title IX and Sexual Violence Education Services

www.victimrights.org/

White House Task Force to Protect Students from Sexual Assault's "Not Alone" Report

www.notalone.gov/assets/report.pdf

