

# IAIA-2022 Annual Campus Safety, Security and Fire Safety Policies and Reports

The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act



## **INTRODUCTION**

The following is the 2022 Annual Security and Fire Safety Report. The IAIA places a high priority on the safety and security of its students, faculty, staff, families, guests, and visitors. A campus community relies on a peaceful, safe, and secure environment. Preserving this environment is a responsibility everyone on campus must share.

This document is submitted and available in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Official copies may be obtained in the Dean of Students' office on campus. Instructions on how to access this information will be distributed on an annual basis to all faculty, staff, and students, and to any applicant for enrollment or employment. This report is descriptive only and is not intended to serve as a contract between the college and any other party. Security policies and procedures are subject to change at any time without notice. Any inquiries concerning information presented in this report may be directed to the Dean of Students, Nena Martinez Anaya, at 505.424.2331 office, or 505.490.5055 cell, or [nanaya@iaia.edu](mailto:nanaya@iaia.edu) email.

The Student Services Department establishes and enforces standards of conduct at the Institute of American Indian Arts. Students charged with law violations may expect to have the matter handled both through county law enforcement as well as the Housing Director or Dean of Students.

## **CAMPUS SAFETY**

### **CAMPUS SECURITY**

The IAIA contracts security services with GardaWorld, a private security company is a leading provider of integrated security solutions, risk assessments, security personnel, screening services and cash management services. GardaWorld, in partnership with the campus community, is responsible for campus safety, campus parking enforcement, after-hours emergency maintenance calls, housing emergency assistance, and campus emergency response. Security operates twenty-four hours per day, seven days per week, and is supervised by the Facilities Department.

### **ENFORCEMENT AUTHORITY**

GardaWorld security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the IAIA. GardaWorld security officers have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. GardaWorld security officers do not possess arrest power. Criminal incidents are referred to the local county sheriff who has jurisdiction on the campus. GardaWorld and IAIA maintain a highly professional working relationship with the Santa Fe County Sheriff. All crime victims and witnesses are strongly encouraged to immediately report the crime to Garda World and the appropriate police agency. Prompt reporting will ensure timely warning notices on-campus and timely disclosure of crime statistics.

Students, faculty and staff should promptly report thefts and other incidents and suspicious behavior or activity to Security for investigation. The security staff enforces campus regulations, patrols campus facilities and is a liaison with the Santa Fe County Sheriff's Office. A security "safe walk" service is available on request. In the course of their normal duties, Security may ask for student IDs or other identification. Students should be prepared to stop and show an ID at any time, including weekends and holidays, for the safety of the community. The on-duty Security Officers can be reached on their cell phone at 505.577.1660 or office phone at 505.428.5800 or by email at: [security@iaia.edu](mailto:security@iaia.edu). Security is on duty 24 hours per day. Callers should be prepared to give the security officer a name, purpose of call, time, location and contact number.

### **ACCURATE AND TIMELY REPORTING OF ALL CRIMES**

To assist with campus safety, it is imperative that all students, faculty, staff and family members take responsibility to immediately report any suspicious incident or hazardous conditions that they witness.

## REPORTING CRIMES

Individuals on campus may report crimes for making timely warnings and inclusion in the annual report to the following **Campus Security Authorities (CSA)** and our campus security:

- Dean of Students or designee (CSA) 505.424.2331 office or 505.490.5055, cell phone
- Housing Director or designee (CSA) 505.424.2380 or 505.500.6132, cell phone
- Facilities Director or designee (CSA) 505.424.2326 or 505.629-500, cell phone
- Campus Security: 505.702.4274 (cell) 505.428.5800 (office)

External reports may be made to:

Santa Fe County Sheriff – 505.428.3710 Emergency: 911

Timely warnings are performed by the Facilities Director through the Rewind Notification System, website, and email systems.

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

IAIA Campus Security conducts regular foot patrols on campus. Sidewalk and parking lot lights illuminate the campus. Campus lighting is routinely assessed for maintenance or repair by Campus Security who reports necessary replacement and repair to Facilities. Individuals may report light outages directly to Facilities by e-mailing: [workorders@iaia.edu](mailto:workorders@iaia.edu)

## SECURITY OF AND ACCESS TO RESIDENCE HALLS

Residence Center exterior doors and interior stairwell doors are locked 24 hours per day and can only be accessed with a proximity card issued to all residents. The front door opens automatically from 8:00 a.m. to 10:00 p.m., at which time a proximity card is required for entrance. Access to each floor of the Residence Center is by residents' proximity cards 24 hours per day. All halls in the Residence Center are opened with proximity cards. Student rooms are individually keyed, and the student is charged for a replacement key.

Non-residential campus buildings and facilities are open to members of the campus community and visitors during regular business and class hours. Admission to any non-residential facility after hours is limited to authorized persons with a building key. Access hours are extended to accommodate evening class or special events. Computer labs have specific hours set by the Academic Department. The IAIA Library publishes its hours at the beginning of each term, and adjustments to those hours for midterms, finals and holidays are posted in advance by e-mail and on the IAIA website. Buildings are secured by IAIA security Officers, and parking lots and buildings are periodically patrolled by Security twenty-four hours a day, seven days a week.

The outside doors of the residence hall lock automatically after 10:00 p.m. requiring a proximity card for entry. Students have the responsibility to assist in maintaining their safety by keeping these doors always closed and are encouraged to report unsafe conditions or maintenance, if needed. Students' rooms are individually keyed and the procedure for replacing a lost key includes a lock change. Student Housing staff and campus Security patrol all residential facilities.

The Housing Director or other Student Housing staff members generally will not enter an occupant's room/apartment unless accompanied by the occupant, the occupant's authorized representative, or a second authorized college representative. However, the college reserves the right to enter any occupant's apartment/room for the purpose of inspection when an authorized college official has reason to believe that the following conditions may exist, which include but are not limited to:

- Illegal activities are taking place;
- The physical well-being, health and/or safety of a person is in peril;
- An IAIA regulation or policy is being violated;
- IAIA property is being damaged or;
- Maintenance and/or repair are necessary.

The IAIA students shall be secure in their personal residential living area, their papers and effects shall not be subject to unreasonable, illegal, or unauthorized searches and seizures. IAIA will not permit police searches of resident facilities except as authorized by law. The Dean of Students, or designee, may authorize entry by a residential staff member to a residential living space for purposes of search and seizure of evidence of policy violations. All entries to student rooms shall, to the extent possible and practicable, be made in the presence of the resident(s).

The IAIA incorporates environmental security design practices in the planning, building, and maintenance stages of all structures and groundskeeping. The IAIA Security on patrol will routinely file work orders with Facilities to report any problems with lighting, shrubbery, or any other maintenance concerns.

Parking permit applications may be submitted to the Dean of Students Office in the LTC Building. Parking tickets are issued by Campus Security.

## **SECURITY USED IN THE MAINTENANCE OF CAMPUS FACILITIES**

A high level of key policy and key security are maintained. Maintenance will not enter a room without reason. Background checks are performed on all IAIA employees before hire. Proper identification is always carried by staff. Vehicles are only driven by approved individuals.

## **MISSING STUDENT NOTIFICATION**

Any person, including but not limited to a student, faculty and/or staff member, who believes that an IAIA student, who lives on campus, is missing or otherwise unaccounted for, should immediately notify the Dean of Students, 505.424.2331 or 505.490.5055 cell.

The Dean of Students, in consultation with other college personnel as necessary, will make the final determination regarding the student's missing status. The IAIA students living on campus, in accordance with the Higher Education Opportunity Act (HEOA) of 2008 have the option to provide the college with a confidential contact, separate from their standard emergency contact information, to be notified if the student has been determined to have been missing for more than 24 hours. This information is confidential; accessible by authorized campus officials and law enforcement only; and will not be disclosed outside of a missing person investigation.

The HEOA guidelines require that when, upon investigation of the official report, the Dean of Students determines that the missing student has been missing for more than 24 hours, he/she must contact the individual identified by the student as a contact. If the missing student is under the age of 18 and is not an emancipated individual, the Dean of Students must notify the student's parent or legal guardian immediately after it has been determined that the student has been missing more than 24 hours. If the student who has been missing for more than 24 hours has not designated a confidential contact and the student is over 18 years of age, the Dean of Students will inform the appropriate law enforcement agency that the student is missing. Please contact the Housing Director, 505.424.2380, for more information. To designate a confidential alternative contact person, complete the form in the Housing Office.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

1. The campus community will be notified of a significant emergency or dangerous situation through our Rewind notification system.
2. Campus Security and emergency managers will investigate and confirm that there is a significant emergency or dangerous situation.
3. Everyone will be notified due to being a small campus.
4. There are several sample messages that have already been preloaded into the Rewind notification system. The messages identify the situation and advise the community regarding the appropriate action they should take.
5. There are five designated emergency managers at IAIA, all of whom can initiate a notification.
6. The statement that the institution will initiate the notification system unless it may compromise efforts to assist a victim or emergency response is included in the IAIA's EOC Operations Plan.
7. The five emergency managers are: The Director of Facilities, the Conferences Services Director, the Dean of Students, the Housing Director, and the Vice President of Operations.
8. The method to disseminate emergency information to the larger community is the Rewind notification system that sends alerts to email addresses and mobile phones. We will also use the phone system to send out messages, including announcements that can be heard through speakers.

9. The Rewind notification system is tested annually. Student residences have evacuation drills each semester. All other buildings have annual evacuation drills.

## **ADDITIONAL PROCEDURES TO REPORT CRIMINAL ACTIVITY**

### **Active Shooter/Violence**

1. Evacuate the premises if safe to do so. If not, secure the immediate area. Silence phones. Keep yourself out of sight.
2. Call 911 from a cell phone or 8-911 from a campus phone.
3. Report your specific location, number of people with you and any injuries.
4. Give details of assailant, if known.
5. If outside, run, crawl, hide, cover, and conceal.

### **Bomb Threat**

1. Bomb threats usually occur by telephone. Take all threats seriously.
2. The person receiving a bomb threat call should remain calm and attempt to obtain as much information as possible from the caller. Listen for unusual noises or voice characteristics.
3. Call 911.
4. Give your name, location, and telephone number. Inform them of the situation, including any information you may have as to the location of the bomb, time it is set to explode, time you received the call, and any distinguishing information about the caller.
5. Call Campus Security at 505.428.5800 or 505.702.4274. Give your name, location, and telephone number.
6. Inform the Student Services Office, 505.424.2331, or Housing, 505.424.2380.
7. Campus authorities will be responsible for building evacuation.
8. If you should spot a suspicious object, package, etc., report it to authorities, but under no circumstances should you touch it or move it in any way.
9. If instructed to evacuate, move a safe distance away from the building (a minimum of 100 yards).
10. Follow the instructions of security personnel and do not re-enter the building until instructed that it is safe to do so.

### **Criminal Activity**

1. Do not attempt to apprehend or interfere with the criminal except in the case of self-protection.
2. If safe to do so, stop and take time to get a good description of the criminal. Note height, weight, sex, race, approximate age, clothing, method and direction number, and name if known. If the criminal is entering a vehicle, note the license plate number, make, model, color and any other outstanding characteristics.
3. Call Campus Security at 505.428.5800 or 505.702.4274. Give your name, location, report the situation and remain where you are until contacted by an Officer.
4. Do not interfere with those persons creating the disturbance or with law enforcement authorities on the scene.
5. In cases of theft, property damage, or minor injuries, contact Campus Security or the Housing Office to submit a report.

### **Disturbance**

1. If a student or person is causing a disturbance on campus, call Campus Security at 505.428.5800 or 505.702.4274. If this is a life-threatening emergency, dial 911. Then call Campus Security and give your name, location, a brief description of the person(s), the nature of the disturbance, and whether the person(s) may have a weapon.
2. Wait for Security Personnel and be prepared to provide them with a statement.
3. If you believe a student has violated the conduct code, you should contact the Dean of Students 505.424.2331 or 505.490.5055.

## **COUNSELING**

Counseling is available to enrolled students as a student support service. The counseling program encourages all students to utilize these services, when needed, as additional support during the time they are enrolled in school. Many students benefit from utilizing this opportunity to address questions and concerns about campus life and to deepen their understanding of themselves in a respectful, confidential, and supportive environment. These services include individual

trauma-informed therapy, expressive arts, art therapy, talk therapy, and body-centered modalities to address a wide array of concerns that are common to the college experience. We have also contracted with UWill, [Home | Uwill](#) a counseling service to provide telehealth counseling to students, faculty and staff through July 1, 2024. These concerns may include homesickness, loneliness, relationships, insomnia, shyness, stress, trauma, depression, anxiety, substance misuse or issues with addictive behavior, disordered eating, and grief and loss.

## **COMMUNICATION ABOUT CAMPUS CRIME TIMELY WARNINGS**

The Institute of American Indian Arts will issue a timely warning when it receives a report of a crime that represents a serious or continuing threat to the safety of the campus community. A warning may also be issued to warn the campus community when other instances pose a safety concern.

### **Initiating Timely Warnings**

If a situation arises, either on or off campus, that, in the judgment of the Director of Facilities, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the Institute’s websites and e-mail system to students, faculty and staff.

Depending on the circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, Facilities may also post notices on campus. Anyone with information warranting a timely warning should report the circumstances to the Facilities Department (by phone: 505.424.2326/505.629.5006) or Campus Security (by phone 505.702.4274).

### **Notification Methods**

The method to issue a timely warning to the larger community is the Rewind notification system that sends alerts to email addresses and mobile phones. The phone system is used to send out messages, including announcements that can be heard through speakers.

## **HOW TO REPORT A CRIMINAL OFFENSE**

Reporting a crime or notifying campus security of suspicious activity helps to protect the campus property and the campus community. To report a crime, the campus community should contact the IAIA Campus Security at 505.577.1660. For emergencies dial 911.

Crime reporting can also be made to the following:

- Dean of Students or designee-505.424.2331 or 505.490.5055 (cell)
- Housing Director or designee – 505.424.2380
- Campus Security – 505.702.4274 (cell); 505.428.5800 (office)
- Santa Fe County Sheriff – 505.428.3710

### **Limited Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the IAIA system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Dean of Students or a designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes’ statistics for the institution.

To the greatest extent possible, all reports will remain confidential. IAIA reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community or issuing a campus-wide “timely warning”.

### **Anonymous Reporting**

An anonymous report can be filed and found on the IAIA website home page next to the Campus Security phone number. It links to the Anonymous Report and the reporter has the option to file the report anonymously or provide



their contact information. [https://iaia.edu/student-life/activities-and-services/#et\\_pb\\_contact\\_form\\_0](https://iaia.edu/student-life/activities-and-services/#et_pb_contact_form_0) The report goes directly to the Dean of Students and the Academic Dean.

## DEFINITIONS OF CRIMINAL OFFENSES

**Aggravated assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; house breaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be 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.

**Drug abuse violations** are defined as the violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics (Demerol, methadone) and dangerous non-narcotic drugs (barbiturates, benzedrine).

**Domestic violence** is 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 victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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.

**Hate crimes** are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

**Liquor law violations** are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Motor vehicle theft** is the theft or attempted theft of a motor vehicle.

**Murder and non-negligent manslaughter** are the willful (non-negligent) killing of one human being by another.

**Negligent manslaughter** is the killing of another person through gross negligence.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sex offenses** are defined as any sexual act directed against another person, without the consent of the victim, including instances when the victim is incapable of giving consent.

- **Rape** is 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. This definition includes any gender of victim or perpetrator.

- **Fondling** is 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** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

**Stalking** is 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 to suffer substantial emotional distress.

**Weapons violations** are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

## DEFINITIONS OF BUILDINGS OR PROPERTY

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around IAIA campus.

### On-Campus Building or Property

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, 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 retail vendor).

### Non-Campus Buildings or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### Public Building or 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.

## PREPARATION AND DISCLOSURE OF CRIME STATISTICS

The Facilities and Housing Departments prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at <https://iaia.edu/student-life/activities-and-services/>. This report is prepared in cooperation with other offices at IAIA and local law enforcement agencies surrounding our campus. Campus crime, arrest and referral statistics include those reported to Campus Security, designated campus officials, and local law enforcement agencies.

Each year, an e-mail notification is made to all students, faculty and staff that provides the website to access this report. Copies of the report may also be obtained from the Facilities Department. All prospective employees may obtain a copy from Human Resources.

## CRIME PREVENTION PROGRAMS

A campus community must do more than just react to crime; it must look for opportunities to deter crime. A variety of programs inform students, faculty, and staff about campus security policies and procedures; and various practices have been developed to aid in crime prevention and to encourage responsibility. These include, but are not limited to:

- Educational programs (often through cooperation with other agencies) are held at least once per year



campus-wide for the IAIA community and more frequently in the residence halls and family housing complex. Topics include, but are not limited to, the following: crime prevention, sexual assault awareness, personal safety, first aid, fire prevention, and alcohol and other drug abuse prevention.

- Escorts are provided through Campus Security. Call 505-702.4274 for a safe walk across campus. Students, faculty, and staff are encouraged not to walk alone in isolated areas.

## **PROGRAMS ENCOURAGING PERSONAL SAFETY AND THE SECURITY OF OTHERS**

Each semester, new students are offered information regarding campus security procedures through the IAIA Student Handbook, New Student Orientation presentations, Housing Orientation specifically covering security procedures and practices in the Residence Halls and Family Housing, and Residence Hall meetings. The Student Handbook provides a list of Santa Fe resources which includes, but is not limited to, local hospital, Indian Health Services, Crisis Response, Rape Crisis Center, Poison Control, and phone numbers for Campus Security, County Sheriff, and City Police.

Once per academic year, a campus-wide Community Gathering (Safety Summit) is held to familiarize faculty, staff and students with Campus Security, their contact information, crime reporting protocol, active shooter training, policies, procedures, and services which include campus safe walk, key service, and policy violation incident support. In addition, the Emergency Communication System (REWIND) is reviewed, and the Emergency Operations Management Team is introduced.

## **HOW TO BE AN ACTIVE BYSTANDER**

Below is a list of some ways to be an active bystander by intervening, speaking up, or doing something about it. If you or someone else is in immediate danger, dial 911.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources for support in health, counseling, or with legal assistance.

## **DISCLOSURES TO VICTIMS OF ALLEGED CRIMES**

IAIA adheres to disciplinary procedures when students are involved in any violent crime or sex offense. Pursuant to the Family Educational Rights and Privacy Act (FERPA) a school is permitted to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

IAIA will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the Institute against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, IAIA will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## **CRIME LOG**

The Crime Log is maintained by the Housing and Facilities departments. All Emergency Managers have access to it through a shared drive on the Institute's network and the log includes the following: Any crime on campus, non-campus building, or public property or within the patrol jurisdiction and is reported to campus security.

- Nature, date, time and general location of those crimes
- Disposition of the complaint, if known
- A log entry must be made within two business days of the report of the information
- Information may be withheld from the log under certain circumstances
- Information that was withheld must be disclosed once the adverse circumstance is no longer likely to occur
- The most recent 60-day period of the crime log must be open for public inspection during normal business hours.

- Older periods of the crime log must be open for public inspection within two business days of a request

## ALCOHOL AND DRUGS

### STUDENT ALCOHOL AND DRUG POLICY

The Institute of American Indian Arts is a drug and alcohol-free campus. The IAIA holds a two-offense policy in respect to drug and alcohol abuse. Individuals in possession of drug paraphernalia, using, or under the influence of alcohol or drugs on the IAIA campus will be in violation of the two-offense policy. The IAIA will take disciplinary action against students, faculty or staff who use, distribute, are under the influence of, or possess illicit drugs or alcohol on the IAIA campus or during any IAIA student sponsored activities (on or off-campus) or who violate state, federal or IAIA alcohol and substance abuse laws and regulations.

a. Students shall not use, possess, manufacture, dispense, sell, distribute, be under the influence of or in the presence of any State or Federally controlled substances on IAIA premises or property controlled by the IAIA, except as authorized by law.

b. "Controlled Substances" means those substances identified in Schedule I through V of section 202 of the Controlled Substances Act, 21 USC S 812 (United States Code, Title XXI, Chapter 13) or its implementing regulations, 21 CFR Sections 1308, 11 to 1308.15 where the use is neither authorized by law nor a valid prescription, or the misuse of a legal substance, including but not limited to alcohol or prescription drugs, that may affect an individual's ability to participate in IAIA programs in a safe, adequate and secure manner. Controlled substances include, but are not limited to, marijuana, barbiturates, anabolic steroids, cocaine (including crack), amphetamines, heroin, PCP, hallucinogens, and certain prescription drugs.

c. The unauthorized use, manufacture, distribution, dispensation, sale, possession, or transfer of controlled substances (as prescribed by the Controlled Substances Act or identified in Schedules I through V of this Act as described above) on IAIA premises constitutes a violation of this policy. Such violation may result in disciplinary action up to and including dismissal, reprimand, or expulsion from IAIA programs and referral for investigation and/or prosecution by law enforcement agencies for violation of the standards of conduct.

d. Substance abuse also includes unauthorized use or possession of or being under the influence of alcohol, alcoholic beverages, or illegal substances on IAIA premises or property controlled by IAIA. Being under the influence means having consumed alcohol or drugs (on or off campus) to the degree that mental or motor skills are impaired and as demonstrated by: slurred speech; unsteady gait; loud voice; impaired motor control or clumsiness; flushed face; bloodshot eyes and/or smell of alcohol or drugs.

e. "On IAIA premises or property controlled by IAIA" means in any building owned, leased or used by IAIA; in any IAIA owned vehicle or in any other IAIA approved vehicle used to transport students to and from IAIA activities; off IAIA property at any IAIA – sponsored or approved activity, event or function, such as field trip or athletic event, or during any period of time IAIA employees are supervising students on behalf of IAIA or otherwise engaged in IAIA business.

f. Prescription drugs, so long as these drugs do not adversely affect the student's ability to perform in a safe and secure manner, may be used on the school site but only by the person for whom they were prescribed. When such legal drugs are to be used at the work or school site and will affect performance, students must inform their work-study supervisors. This policy will apply to the misuse of legal drugs.

g. The IAIA will confiscate alcoholic beverages and/or illegal drugs found on campus. Such materials may be held by the IAIA for evidence, if necessary. A record will be made of the type of material(s) seized, and the names of witnesses.

h. The first time a student is found in the possession of drug paraphernalia, using, under the influence of, or in the presence of drugs or alcohol on the IAIA campus, they will be placed on disciplinary probation and be required to participate in community service and alcohol and substance abuse assessment, and counseling recommended from the assessment, for the remainder of the semester. The second offense in the same

academic year will result in the student being suspended from the IAIA residential housing and face possible suspension or expulsion from the entire IAIA program. The two-offense policy will not apply if, in addition to violating policy, the student has engaged in any of the violations addressed in the immediate suspension clause found in the Student Handbook.

- i. The IAIA will contact the proper law enforcement agencies to investigate the distribution of alcohol to minors (under 21) and the distribution of controlled substances to the community. Procedures for handling violations of the Alcohol and Substance Abuse Policy can be found in the Student Handbook.

## **DRUG OR ALCOHOL-ABUSE EDUCATION PROGRAMS**

The Student Services Department shall provide training and education in the dangers and risks to physical and mental health, economic welfare, and civil status from the use of illicit drugs and abuse of alcohol.

The Student Services Office will also post information concerning alcohol and drug abuse policy and programs in prominent areas.

The IAIA catalog and class schedules published each semester will include a statement announcing that substance abuse while on IAIA premises or conducting college business is prohibited.

The Student Handbook includes IAIA's Alcohol and Drug Policy; disciplinary sanctions which may be imposed on students for violation of this policy include but are not limited to warnings, (referral to and satisfactory completion of rehabilitation programs), academic probation, suspension from academic or extracurricular programs, and suspension from IAIA and expulsion. IAIA also reserves the right to make referrals to law enforcement agencies for investigation and prosecution.

Registration material at the beginning of each semester and summer sessions (continuing education students excepted) will include a copy of the policy.

## **POLICY REVIEW**

A biennial review of the IAIA Alcohol and Drug Policy will be conducted to determine its effectiveness, to implement changes as needed, and to ensure that disciplinary sanctions are consistently enforced.

## **HEALTH RISKS**

Excessive alcohol consumption and abuse of illicit drugs can lead to certain types of cancer, addiction, birth defects, shortened life span, stomach ulcers, phlebitis, varicose veins, pathological changes in the liver, brain, heart and muscle that can lead to disability and death, and other health problems. Alcohol and drugs are also a major factor in homicides, assaults, rapes, suicide, family and dating violence. Alcohol is significantly involved in all types of accidents, motor vehicle, home, industrial and recreational. Unintended pregnancies and sexually transmitted diseases are often associated with alcohol or other drugs abuse, as well as relationship, academic or work problems.

## **LEGAL SANCTIONS**

For the Unlawful Possession or distribution of Illicit Drugs and Alcohol

The penalties for even the most minor violations of the Liquor Control Act can include fines of up to \$300, confiscation of property and imprisonment for up to seven months. More serious violations carry greater penalties, with larger fines and longer imprisonment.

Driving or using machinery after drinking or using drugs creates the risk that the user may injure or kill someone else. This can result in homicide charges. License revocation and vehicle impoundment are also results of driving while under the influence of liquor or drugs.

In drug-related cases a court can permanently suspend eligibility for federal benefits, including financial aid. A criminal record can seriously hurt educational and career opportunities.

Penalties for illegal drug use can include significant fines and imprisonment. Penalties for the illegal sale of drugs are greater and may include property confiscation. Alternative Penalties for illegal drugs or alcohol use may also include mandatory community service. Violation of laws by a foreign national may result in deportation.

## **STUDENT DISCIPLINARY ACTIONS**

IAIA responds to reports of alcohol and drug violations through its disciplinary system. Students in violation of IAIA's Substance Abuse Policy face disciplinary actions as noted in the 2023.2024 Student Handbook. Disciplinary actions apply to student conduct that occurs on IAIA premises and IAIA sponsored activities and to off-campus conduct that adversely affects the IAIA campus community.

## **EMPLOYEE ALCOHOL AND DRUGS POLICY**

IAIA is a drug-free and alcohol-free workplace and has adopted a no tolerance policy with respect to alcohol and drug abuse. IAIA is committed to providing a safe work environment and to promote and protect the health, safety, and wellbeing of our employees and students. This commitment is jeopardized when any employee engages in use, possession, sale, conveyance, distribution or manufacture of illegal drugs, intoxicants, controlled substances or abuses, prescription drugs or alcohol.

It is a violation of IAIA policies for any employee:

- To use, possess, sell, convey, distribute, or manufacture illegal drugs, intoxicants, or controlled substances, or to attempt to do the same.
- To use, abuse or be under the influence of alcohol anytime during hours of business operation in any IAIA location or IAIA vehicle.
- To use prescription drugs illegally and it is the responsibility of the employee to report the use of prescribed.

It is a violation of IAIA policies for any employee:

- To use, possess, sell, convey, distribute, or manufacture illegal drugs, intoxicants, or controlled substances, or to attempt to do the same.
- To use, abuse or be under the influence of alcohol anytime during hours of business operation in any IAIA location or IAIA vehicle.
- To use prescription drugs illegally and it is the responsibility of the employee to report the use of prescribed drugs that MAY (per warning labels provided by the pharmacy) affect the employee's judgement, performance, or behavior.

Violations of this policy are subject to corrective action up to and including termination of employment. IAIA may contact law enforcement and other external authorities when it suspects a violation of this policy has occurred. Employees must notify the HR Director in writing of convictions under any criminal drug statute occurring in any IAIA location or IAIA vehicle, no later than five calendar days after such conviction. Employees authorized to operate any IAIA vehicle must also notify the HR Director of any suspension of their driver's license immediately upon legal notification.

At IAIA's discretion, any employee who violates this policy may be required to participate satisfactorily in a substance abuse treatment or rehabilitation program.

Employee Assistance Program (EAP)

IAIA strongly encourages employees who engage in any form of substance abuse, including abuse of alcohol or other drug, to voluntarily refer themselves for treatment and assistance. IAIA will provide information or referral for employee assistance, rehabilitation, and/or counseling.

### **Alcohol at IAIA Events**

The only exception to the alcohol-free policy relates to the serving and consumption of alcohol at functions at the IAIA Museum as officially allowed according to the resolution of the IAIA Board of Trustees, May 14, 1999. The Board of Trustees further resolves that this approval does not extend to any other IAIA properties.

IAIA sponsored activities or other social events where alcoholic beverages are served are not considered alcohol abuse. However, inappropriate behavior exhibited under the influence of alcohol is grounds for corrective action up to and including termination of employment.

**NEW MEXICO DWI LAWS & PENALTIES:** <https://www.endwi.com/laws-penalties-4>

## FEDERAL TRAFFICKING PENALTIES

### FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment.  Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment.  Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

### IAIA remains a drug-free and alcohol-free campus

With the sale of recreational cannabis across the state of New Mexico beginning April 1, 2022, The Institute of American Indian Arts campus, remains drug and alcohol free including the use of marijuana.

Following a special legislative session in 2021, Governor Michelle Lujan Grisham signed the [Cannabis Regulation Act](#) into law legalizing the use and possession of recreational marijuana for those over the age of 21, beginning June 29, 2021. The legislation also allows for the sale of recreational marijuana to begin by April 1, 2022, at state-licensed dispensaries.

Despite the state's legalization, IAIA's Alcohol and Substance Policy remains in effect. Students, employees and visitors are prohibited from possessing or using marijuana or its derivatives, including but not limited to edibles, oils, wax, vape cartridges, for recreational or medical reasons, on the Institute of American Indian Arts campus and facilities. The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances (including marijuana), or alcohol, on IAIA property or as part of any IAIA activities by any member of the community is strictly prohibited and will result in disciplinary action.

Although New Mexico regulates cannabis within the state, federal law restricts marijuana possession, sale, and trafficking through the [Controlled Substance Act](#). Cannabis [continues to be a Schedule I drug](#) according to the United States Drug Enforcement Agency.

Since cannabis continues to be listed as a Schedule I drug by the federal government, its presence in any form on the IAIA campus would also be a violation of the [Drug-Free Schools and Communities Act](#), which bans illegal drugs on college campuses and public schools. Violation of the Drug-Free Schools and Communities Act could put the college at risk of [losing federal funding](#), such as support for research and federal financial aid for students.

The IAIA Alcohol & Substance Abuse Policy is located in the IAIA Student Handbook, on page 22 and states: "<https://iaia.edu/student-life/forms-regulations-and-rules/> The Institute of American Indian Arts (IAIA) is a drug and alcohol-free campus also known as a "dry campus." A "dry campus" is the term used for the banning of alcohol at colleges and universities, regardless of the owner's age or intention to consume it anywhere on campus or during any IAIA sponsored activity. Students have the right to an environment free from the effects of substance abuse. To help ensure the safety and well-being of our community, IAIA will take disciplinary action against students, who use, distribute, are under the influence of, in the presence of, or possess illicit drugs or alcohol on the IAIA campus or during any IAIA sponsored activities (on or off-campus) or who violate state, federal or IAIA alcohol and substance abuse laws and regulations.

The unlawful use of drugs or alcohol is inconsistent with the behavior expected of members of the IAIA community. Violations of this policy may result in criminal sanctions provided by federal, state, and local law as well as disciplinary sanctions from IAIA.



## FEDERAL TRAFFICKING PENALTIES MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture  More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants;  1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

## SEX OFFENSES AND REGISTERED SEX OFFENDER INFORMATION

### IAIA Sexual Violence Prevention & Education Policy

The Institute of American Indian Arts (IAIA) does not discriminate on the basis of sex, gender, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on basis of sex in all education programs and activities, operated by the college (both on and off campus). Title IX protects all people regardless of their gender or gender identity from sex discrimination, which includes sexual harassment and violence:

- **Sex Discrimination** means an adverse act of sexual discrimination (including sexual harassment and sexual violence) that is perpetrated against an individual on a basis prohibited by Title IX of the Education Amendments of 1972.
- **Sexual Harassment** is unwelcome conduct of a sexual nature that includes, but is not limited to, sexual violence, sexual advances, requests for sexual favors, indecent exposure and other verbal, nonverbal or physical unwelcome conduct of a sexual nature, where such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person, and is in fact considered by the individual, as limiting the individual's ability to participate in or benefit from the services, activities or opportunities offered by IAIA. Sexual harassment also includes gender-based harassment, which may include acts of verbal, non-verbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
- **Sexual Violence** means physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery and rape) perpetrated against an individual without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, or disability.

### Title IX

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The Institute of American Indian Arts (IAIA) is committed to providing a safe and welcoming environment for students, faculty, staff, and the public. We are a diverse community dedicated to creating and providing an environment for learning, living, and working that's free from discrimination, harassment, including sexual violence and misconduct, and retaliation. IAIA responds promptly and effectively to all reports and will take appropriate action to prevent, correct, and when necessary, discipline behavior that violates policy.

Who to Contact if you have Complaints, Question or Concerns:

Reports regarding a potential Title IX violation can be made to the Title IX Coordinator Laurie Logan Brayshaw by phone at (505) 424-5790, email at [llogan@iaia.edu](mailto:llogan@iaia.edu), or in-person at on the Second Floor of the Lloyd Kiva New Welcome Center in the President's Suite Room 201B.

**In an emergency call 911 immediately.**

### Anonymous Reporting

Victims of or if aware of discrimination, harassment, misconduct, and retaliation, are encouraged to report the incident. There is the option to file a report anonymously <https://iaia.edu/student-life/activities-and->

[services/#et\\_pb\\_contact\\_form\\_0](#) or to provide contact information [safety@iaia.edu](mailto:safety@iaia.edu) .

### Safety of the Campus Community is Primary

IAIA's primary concern is the safety of its campus and community members. The use of alcohol or drugs never makes the victim at fault for sexual discrimination, harassment or violence; therefore, victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol or other university policies. Except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Code of Conduct.

Any members of the IAIA community who knows of or has reason to know of sexual discrimination allegation shall promptly inform the campus Title IX Coordinator. Regardless of whether an alleged victim of sexual discrimination files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or violence, it must review the matter to determine if an investigation is warranted. The campus must take appropriate steps to eliminate any sex discrimination/harassment, prevent its recurrence, and remedy its effects.

### Campus, Criminal and Civil Consequences of Committing Acts of Sexual Violence

Individuals alleged to have committed sexual assault may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face disciplinary sanctions. Employees may face sanctions up to and including dismissal from employment, per established IAIA Human Resource Policies. Students charged with sexual discrimination, harassment or violence will be subject to disciplinary action up to and including suspension and expulsion according to the IAIA Student Handbook.

During any investigation, IAIA may implement interim measures in order to maintain a safe and non-discriminatory educational environment. Such measures may include immediate interim suspension from IAIA, required move from campus housing, adjustment to course schedule, or prohibition from contact with individuals involved in the alleged incident.

### WHAT TO DO.....

#### To Help Stop Sexual Violence

- Sexual contact requires mutual consent. An incapacitated person, e.g. a person who is intoxicated by drugs or alcohol, is incapable of giving consent.
- No one deserves to be sexually assaulted, stalked or victimized in any way.
- Don't engage in any behavior that may be considered dating/domestic violence, sexual assault, stalking or any other form of violence.
- Never use force, coercion, threats, alcohol or other drugs to engage in sexual activity.
- Take responsibility for your actions.
- Avoid alcohol and other drugs.
- Remember "no" means "No!" and "stop" means "Stop!"
- Report incidents of violence (including coercion) to law enforcement and campus authorities.
- Discuss dating/domestic violence, sexual assault and stalking with friends – speak out against violence and clear up misconceptions.
- Don't mistake submission or silence as consent.

#### To Help Minimize Your Risk of Becoming a Victim

- Be aware. Does your partner: Threaten to hurt you or your children? Say it's your fault if he or she hits you and then promises it won't happen again (but it does)? Put you down in public? Force you to have sex when you don't want to? Follow you? Send you unwanted messages and gifts?
- Be assertive. Speak up.

- Stay sober and watch out for dates and/or anyone who tries to get you drunk or high.
- Clearly communicate limits to partners, friends and acquaintances.
- Never leave a party with someone you don't know well and trust.
- Trust your feelings; if it feels wrong, it probably is.
- Learn all you can and talk with your friends. Help them stay safe.
- Report incidents of violence to law enforcement and campus authorities.

#### WHAT YOU CAN DO IF YOU ARE A VICTIM, IN GENERAL

- Go to a safe place as soon as possible.
- Preserve evidence.
- Report the incident to local law enforcement.
- Report the incident to the Campus Title IX Coordinator.
- Call a domestic violence, sexual assault or stalking hotline.
- Call a friend or family or counselor for help
- Know that you are not at fault. You didn't cause the abuse to occur and you are not responsible for someone else's violent behavior

#### DEFINITIONS

**Date Rape** is a subset of **Acquaintance Rape**. The two phrases are often used interchangeably, but date rape specifically refers to a rape in which there has been some sort of romantic or potentially sexual relationship between the two parties, whereas acquaintance rape also includes rapes in which the victim and perpetrator have been in a non-romantic, non-sexual relationship, for example as co-workers or neighbors.

**Age of Consent** - The age of consent to have sex in New Mexico covers three distinct categories; (1) people less than 13 years old, (2) people 13, 14, 15 or 16 years old and (3) people 17 or older.

A person who is less than 13 years old cannot consent to have sex under any circumstances. That means that no matter how old the partner is or how willingly the child participated in the sexual act, the partner has committed the crime of criminal sexual penetration (rape) of a minor or criminal sexual contact of a minor.

A person who is age 13, 14, 15 or 16 years old cannot consent to have sex if the partner is 18 years old and is more than four older than the child. For example, sex between a person who is 14 and a person who is 17 is legal. But it is not legal if one partner is 14 and the other is 18. A person who is 17 years of age or older can consent to have sex with a person of any age.

However, a person between the age of 13 and 18 cannot consent to have sex with a person who is a school employee or any person who is in a position of authority. Sex between an 18-year old student and a teacher is illegal, if the teacher is at least 18 years old and is four years older than the student. The definitions of school employee or a person in a position of authority is very broad and could include the person's employer or coach.

**Consenting to have sex** is when both partners are legally old enough to have consensual sex, the question still remains, did both parties agree to have sex? Most people understand that "no" means "no." But silence does not mean "yes." To insure you are engaging in consensual (legal) sex you need to hear your partner affirmatively and enthusiastically say the word "yes." That means that the person must say "yes" freely, without any form of coercion or fear of force. Even if a person says "yes" at one point, that person has the right to say "no" later on. Consent must be given by a sober, conscious person. If the person is too drunk to make the decision to have sex, the answer is "no."

**Domestic Violence** is not a separate crime in New Mexico law, but there are special protections for "household members" who are subjected to assault, battery, criminal damage to property and other crimes. "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. A

"continuing personal relationship" means a dating or intimate relationship." Unfortunately, there is no crime prohibiting domestic abuse, but there are many laws in place to help victims of domestic abuse obtain services. Domestic abuse can be even more damaging than acts of domestic violence. Some tactics used by abusers are listed under "dating abuse."

**Dating Violence or Abuse** is a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation and humiliation to control the other person. Abusers attempt to control their partners in a variety of ways.

- **Isolation:** Trying to cut off the victim's relationship with family and friends; using jealousy to justify behavior.
- **Emotional:** Humiliating the victim in front of friends or making the victim feel guilty when she confronts the abuser about the abuse.
- **Intimidation:** Making the victim fearful by using threatening behavior, abuse of animals, verbal aggression or destruction of property.
- **Coercion:** Threatening to find someone else if the dating partner doesn't comply with the abuser's wishes or demands. Threats to harm self or others if the dating partner leaves.
- **Physical:** Using or threatening to use physically assaultive behaviors such as hitting, shoving, grabbing, slapping, beating, kicking, etc.
- **Sexual:** Touching or forcing the victim to engage in unwanted sexual activity.

At the beginning stages of the dating relationship, these behaviors may not be apparent or the use of them is so subtle that they may be mistaken for the abuser's caring and concern. For example, the abuser may suggest that the couple spend all their time together because when they are apart, they will miss each other. If the victim spends time with other friends, the abuser may appear to be sad or disappointed. As the relationship becomes more involved, the abuser may gradually escalate the use of these behaviors to include severe jealousy. Abusive behavior often escalates to acts of violence and rarely resolves on its own.

**Sexual Assault** There are two kinds of sexual assault in New Mexico. 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 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. . . 'Intimate parts' means the primary genital area, groin, buttocks, anus or breast."

**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. A "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." When the stalking behavior is less serious, it is known as harassment. "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."

### **Victim protection orders**

If a family court judge makes a finding that domestic abuse has occurred, the judge must enter an order of protection ordering the restrained party to refrain from abusing the protected party or any other household member. The order can also address issues of residence, issues involving the children of that relationship, or any property owned by the parties. The order can require the restrained party to pay the medical expenses of the abused party and it can require the restrained party to participate in various forms of counseling. A violation of a protective order can lead to arrest and incarceration. Obtaining an order of protection can be done without the help of an attorney through a variety of services provided by the family court.

To learn more about these topics and to get information about free and confidential services available go to: <https://www.rainn.org/> The National Sexual Assault Hotline is Free and Confidential: 1.800.656.HOPE

### **Educational & Prevention Programs**

Once per academic year, students and employees will be presented educational programs promoting awareness of rape, acquaintance rape, and other forcible and non- forcible sex offenses. These programs may be presented by outside specialists such as the local Rape Crisis Center, as well as housing and counseling staff or student Residence Assistants.

### **CAMPUS RESOURCES**

Laurie Logan Brayshaw, Campus Title IX Coordinator	505.424.2305
Eliza Combs, IAIA Counselor	505.424.5758
IAIA Security	505.702.4274

### **COMMUNITY RESOURCES**

<b>Police/Ambulance/Fire Emergency</b>	<b>911</b>
<b>24 Hour Crisis Advocacy Hotline</b>	<b>800-721-7273</b>
Solace Crisis Treatment Center/SF Rape Crisis	505.986.9111
Crisis Response of Santa Fe	505.820.6333
Suicide Hotline	505.820.6333
Esperanza Shelter & Support Center	505.473.5200
Christus St. Vincent's Hospital	505.983.3361
NM State Police	505.827.9300
Santa Fe County Sheriff's Office	505.428.3720
Santa Fe Indian Hospital	505.946.9283
Santa Fe City Police	505.428.3710

### **COMPLAINTS**

Diana Ellenwood, Student Service Coordinator	505-424-2337
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U.S. Department of Education, Office for Civil Rights (OCR) (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov)  
A complaint form can be filled out online with the OCR at:  
[www.2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www.2.ed.gov/about/offices/list/ocr/complaintintro.html)

### **NOTIFICATION OF ACCOMMODATIONS**

Although housing opportunities on campus are limited, the Student Services and the Housing Department will support the victim to provide for their safety and security through a change of room, hall, or building.

Every effort will be made to change a victim's academic situation after an alleged sex offense. The Academic Dean will discuss available solutions with the individual, which may include: relaxed attendance policy, completing course work online or from a distance, changing meeting times, or alternative assignments.

### **PROCEDURES FOR CAMPUS DISCIPLINE**

Violations of an IAIA Policy, Procedure or Regulation may result in penalties, including but not limited to, immediate suspension or expulsion from the residential hall and/or the IAIA program. All students and employees are expected to report infractions as they occur.

### **STANDARD PROCEDURES**

1. Violations of any IAIA Policy, procedure, or regulation should first be reported to IAIA staff and faculty, or IAIA Security.  
Exceptions:



- a) Violations of the IAIA Sexual Harassment Policy must be reported and will be investigated and sanctioned under the provisions of the IAIA Sexual Harassment Policy.
- b) Reports of rape should be made first to the Title IX Coordinator or Dean of Students for processing under the Emergencies/Immediate Suspension Procedure set forth in the Student Handbook. School officials shall retain the discretion to file a police report if any circumstances where it is deemed warranted. In case of sexual assault, contact the 24-hour Crisis Advocacy Hotline at Solace Crisis Treatment Center at 1.800.721.7273.

2. The Housing Director or their designee, or Dean of Students will then review the report and has the authority to hear and decide the matter and establish immediate sanctions.

### **SANCTIONS THAT MAY BE IMPOSED**

Behavior which threatens the health and safety of students, or which may harm the IAIA community will not be tolerated.

Violation of any IAIA policy, procedure, rule or regulation will be dealt with by IAIA in a manner which it, in its sole discretion, believes necessary to maintain a healthy and safe environment conducive to learning. Circumstances may sometimes warrant immediate suspension or expulsion from IAIA housing or the IAIA program. (Please see Student Handbook) Disciplinary action which IAIA may take includes but is not limited to the following:

1. Verbal Warning: A verbal warning is given for less serious offenses without the initiation of formal procedures. Offenses referred to the Housing Director or Dean of Students or their designee may be disposed of by mutual consent of Housing Director and the students involved. The accused shall regard the case closed and not appealable. If consensus is not reached, the Housing Director may impose other sanctions.
2. Written Warning: A written warning is given to a student for unacceptable behavior by IAIA standards and any repeated violations will warrant further sanctions which may include, but are not limited to, any of the sanctions listed in this section.
3. No Contact Order: An order to avoid contact with the complainant or respondent or others for a specified period of time.
4. Counseling: A referral for counseling to attend a prescribed number of counseling sessions based on an initial assessment and recommendations from the counselor.
5. Loss of privileges: Loss of privileges on campus due to serious violations, which may include but not limited to, parking on campus, library, studio, cafeteria usage during specified times.
6. Limited access to campus: Due to serious violations, a student may have limited access to campus for a specified period of time.
7. Restricted Status (P.N.G.): There are two types of restricted status: a campus restriction when the person may not be present on campus for any reason, including IAIA activities on or off campus; and a student housing restriction when the person may not enter any residential housing area for any reason.
8. Alcohol & drug assessment and counseling: Referral for an alcohol and drug assessment and recommended number of counseling sessions recommended by the counselor.
9. Relocation: Removed from his/her present residence room for specified period or removed permanently.
10. Disciplinary Probation: This type of probation is generally imposed for significant or repeated violation for a specified period.
11. Suspension: The removal of a student from all IAIA programs for a specified period or removed permanently.
12. Expulsion: The removal of a student for an extensive period or indefinitely due to severe offenses.
13. Immediate Suspension: In case of reports of serious threat to individual, community, sexual offense, discrimination, violence, etc. the Dean of Students or his/her designee will establish and impose immediate suspension/expulsion from the on-campus housing or the total IAIA program.

## **REGISTERED SEX OFFENDERS**

The campus community may obtain information about registered sex offenders in the State of New Mexico at [www.nmsexoffender.dps.state.nm](http://www.nmsexoffender.dps.state.nm)

## **PROHIBITING DISCRIMINATION, HARASSMENT AND RETALIATION AGAINST STUDENTS**

### **POLICY STATEMENT**

IAIA values diversity and fosters tolerance and mutual respect for all. Students have the right to participate fully in IAIA programs and activities free from unlawful discrimination, harassment and retaliation. The IAIA prohibits harassment of any kind, including sexual harassment and sexual violence, domestic violence, dating violence and stalking. IAIA responds promptly and effectively to all reports of discrimination, harassment and retaliation and shall take appropriate action to prevent, correct and when necessary, discipline behavior that violates this policy.

Except as noted below, any campus community member who knows or has reason to know of allegations or acts that violate this policy, shall promptly inform the Title IX Coordinator (where the allegations involve sex discrimination, sexual harassment, or sexual violence).

Except as noted below, employees are required to disclose the name of a possible victim of sexual violence to the Title IX Coordinator even when the victim has requested that his/her name remain confidential: The Title IX Coordinator will determine whether confidentiality is appropriate given the circumstance of each incident.

- The following persons are not required to report any information about an incident of sexual violence: (1) physicians, professional licensed counselors and clergy who work on or off campus, and who provide medical or mental health treatment or counseling; and (2) sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers and health centers, without the victim's consent.

Employees and students who violate this policy shall be subject to discipline. If employee discipline is appropriate, it shall be administered in a manner consistent with the IAIA HR Policy Manual. Student discipline shall be handled by the IAIA Student Handbook.

### **Policy Implementation and Communication**

The Title IX Coordinator is responsible for publicizing this policy, ensuring that campus training is developed and conducted, and providing an administrative structure that facilitates the prevention and elimination of discrimination, harassment, and retaliation, including sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence and stalking. The Title IX Coordinator's contact information shall be made available to all members of the IAIA campus community as well as third parties. The contact information will be updated as necessary.

Reports regarding a potential Title IX violation can be made to the Title IX Coordinator Laurie Logan Brayshaw by phone at (505) 424-5790, email at [llogan@iaia.edu](mailto:llogan@iaia.edu), or in-person at on the Second Floor of the Lloyd Kiva New Welcome Center in the President's Suite Room 201B.

This policy shall be made readily available to all students, IAIA employees, and third parties, utilizing multiple media of communication, including student orientations and catalogs, new employee orientations, campus website, student handbook, Human Resources and the Office of the ADA administrator.

### **PROCEDURE FOR HANDLING COMPLAINTS BY STUDENTS**

This policy provides students a procedure to address discrimination, harassment and

retaliation by IAIA, an IAIA employee, another student or a third party. Whenever a complaint is outside the scope of this policy, the student will be notified promptly in writing.

1. Any student may file a complaint of discrimination, harassment and retaliation under this policy with the following exceptions.
  - a. *Exception:* Complaints by a student about his/her academic accommodations to an IAIA educational program related to his/her disability. Such inquiries and complaints shall be directed to the Disability Support Service Office in the Student Success Center.
2. Grade appeals that allege Discrimination, Harassment or Retaliation shall proceed simultaneously under the Grade Disputes Policy and under this Policy. However, the Grade Dispute Procedure shall be postponed until this policy and appeal processes under Level 1 and/or Level 2 of this policy have concluded. The final determination under this policy regarding whether Discrimination, Harassment or Retaliation occurred shall be provided to the Department Chair and/or Academic Dean. The decision shall be bound by such determination when considering the grade appeal. Grade disputes that do not allege Discrimination, Harassment or Retaliation shall be filed under the Academic Grade Dispute Policy.

#### Informal Resolution

Students who believe they are or may have been victims of Discrimination, Harassment or Retaliation may initiate the Informal Resolution process prior to, or instead of, filing a Complaint. However, it is not appropriate in such cases for a student to be required to work out an informal resolution directly with the Accused; and in no event should any meeting between the student and the accused occur without involvement by the Title IX Coordinator, (if the allegations involve Sex Discrimination, including Sexual Harassment).

Allegations that involve Sex Discrimination (including Sexual Harassment or Sexual Violence) shall promptly be referred to the Title IX Coordinator. Upon receipt of a student's concern, the Title IX Coordinator shall meet the Complainant to discuss the Complainant's concerns and reasonable Interim Remedies, as appropriate. In cases where Sexual Violence is alleged, the Complainant shall also be advised to immediately file a Complaint under Level 1. An informal resolution is not appropriate when Sexual Violence is alleged.

During the pendency of the Informal Resolution process, the timeline to file a Complaint shall be extended for a period of no longer than 30 Calendar Days. If an extension is granted, a Complaint may be filed within 60 Calendar Days after the most recent alleged act of Discrimination, Harassment or Retaliation occurred.

#### *A. Decision to terminate the Informal Resolution*

Should the Complainant, the Accused, or IAIA elect to terminate the Informal Resolution process, the Title IX Coordinator shall promptly notify the Complainant and the Accused in writing that the Informal Resolution process has terminated, along with the effective date and inform the student of his/her right to file a Complaint under Level 1.

#### *B. Initial Meeting with the Concerned Student*

If the student's concern alleges Sex Discrimination (including but not limited to sexual harassment, sexual violence, domestic violence or stalking), the Title IX Coordinator shall, during the initial meeting with the student, follow all the applicable steps in Level 1.D. In cases alleging sexual violence, domestic violence, dating violence or stalking, the student shall also be advised to immediately file a Complaint under Level 1.

#### *C. Meeting with witnesses & other persons*

The Title IX Coordinator shall attempt to resolve the student's concern quickly and effectively. The Title IX Coordinator, when the allegations involve sex discrimination, and/or sexual harassment, shall meet with the student, the accused and any other persons or witnesses

determined by the Title IX Coordinator to be necessary for a resolution of the matter, to review the allegations and any responses. Informal Resolution may take the form of a negotiated resolution facilitated by the Title IX Coordinator.

*D. Informal Resolution is reached*

If an informal resolution is reached, a record of the resolution shall be signed by the student and maintained in accordance with Student Life recordkeeping policies. The matter shall be considered closed, and the student is not permitted to file a complaint or appeal concerning the same incident, except where the terms of the informal resolution have been violated or have been ineffective in stopping the Discrimination, Harassment and Retaliation.

*E. Informal Resolution is NOT reached*

If a resolution is not reached, the Title IX Coordinator shall promptly notify the student and the accused in writing that the Informal Resolution process is terminated, and the termination effective date. The student shall be provided with written notification about how to file a Level 1 Complaint and the timeline for doing so.

*F. Confidentiality*

Both the student and the accused shall keep the details of the Informal Resolution process confidential until the process is concluded. If the matter is not resolved informally and an investigation is conducted, the student and the accused shall maintain confidentiality until the conclusion of the Level 1 and Level 2 processes, if any.

Level 1: Complaint

The Title IX Coordinator may determine that circumstances warrant initiating an investigation even if a complaint has not been filed and independent of the intent or wishes of the student. In that event, any such investigation shall be subject to Level 1, D through I and General Provisions for Investigation/Review of Complaints, A through H only. Such an investigation shall not be subject to the Appeal Review.

- A. Filing a Complaint. The student shall submit a written Complaint to the Title IX Coordinator. The date of receipt shall be the Complaint filing date. The Title IX Coordinator shall offer reasonable accommodations to students who are unable to submit a written complaint because of their disability.
- B. Timeline for filing a Complaint: A complaint may be filed at any time, but students are encouraged to submit complaints in a timely manner after the most recent alleged act of Discrimination, Harassment or Retaliation occurred.
- C. Complaint Requirements: The student should complete the IAIA Student Complaint Form for Discrimination/Harassment/Retaliation Complaints or, in the alternative, submit a written signed statement containing the following information:
  - 1. The student's full name, mailing address, email address, phone and cell phone number.
  - 2. The name of the Accused and job title, position or Student status, if known.
  - 3. The Protected Status that is the basis of the alleged Discrimination, Harassment or Retaliation, or the Complainant's activity that is the basis for the alleged Retaliation.
  - 4. A clear, concise statement of the facts that constitute the alleged Discrimination, Harassment or Retaliation, including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of the investigation.
  - 5. A statement verifying that the information provided is true and accurate to the best of the student's knowledge.
  - 6. The semester and year of the student's most recent active academic status or the

- semester and year in which he/she sought admission to IAIA.
7. The full name, address and telephone number of the student's advocate, if any;
  8. The specific harm resulting from the alleged Discrimination, Harassment or Retaliation.
  9. The specific remedy sought.
  10. The student's signature and
  11. The date on which the Complaint is submitted.
- D. Intake Interview: The Title IX Coordinator shall meet with the student as soon as possible, but no later than 5 Working Days after the Complaint was received. The student shall make him/herself available for this meeting.
1. The meeting shall serve as the initial intake interview and will:
    - a. Acquaint the student with the investigation procedure and timelines.
    - b. Inform the student of his/her rights, including having an advocate throughout the process;
    - c. Provide the opportunity for the student to complete and sign a Complaint Form, if not already done; and
    - d. Discuss Interim Remedies, as appropriate.
  2. In cases of alleging Sexual Violence, the Title IX Coordinator shall inform the student of the right to file a criminal complaint; offer to assist the student with filing a criminal complaint; assure the student such filing will not significantly delay the campus investigation; advise the student of available resources such as the IAIA Security, student health clinic, IAIA Counseling services; and discuss reasonable and appropriate Interim Remedies.
- E. Advocate: The student and the accused may elect to be accompanied by an advocate to any meeting or interview regarding the complaint. The advocate may be an attorney. The advocate may not speak on behalf of the student or accused; their role is limited to observing and consulting.
- F. Confidentiality: Information regarding the complaint shall be shared with other College employees and law enforcement on only a "need to know" basis. College employees shall attempt to honor any complainant's or accused's request for confidentiality; however, the college shall weigh request for confidentiality against its duty to provide a safe and nondiscriminatory environment for all the IAIA community. Confidentiality, therefore, cannot be ensured. In cases involving Sexual Violence, a victim's request for complete confidentiality are to be referred to the Title IX Coordinator, who will then determine whether the request for complete confidentiality can be honored under the facts and circumstances of the particular case.
- G. Investigation Procedure: The Title IX Coordinator, in cases of Sex Discrimination, including Sexual Harassment and Sexual Violence, shall promptly investigate the complaint or assign the task to another investigator on a case-by-case basis. The investigator shall receive annual training regarding such issues and the investigatory process and the laws governing Discrimination, Harassment and Retaliation. If delegated, the Title IX Coordinator shall oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set in this policy.

The complainant and the accused shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation.

The investigation shall be completed no later than 30 Working Days after the intake interview, unless the timeline has been extended according to Level 3, E or F. The timeline should not be extended for a period longer than an additional 10 Working Days from the original due date.

Occasionally, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a complaint filed under this policy. A pending law enforcement investigation is a separate investigation and does not relieve the IAIA of its responsibility to handle complaints under this policy. IAIA may not wait until the conclusion of a police investigation to continue its own investigation under this policy. It may be necessary to temporarily delay the fact-finding portion of the investigation while law enforcement is gathering evidence. Once their fact gathering is completed, the IAIA shall promptly resume and complete its own investigation. Upon inquiry, the complainant and accused shall be advised on the status of the investigation.

- H. Investigative Report: The investigator shall prepare an investigative report within the investigation period stated above. The report shall include a summary of the allegations, the investigative process, the preponderance of the evidence standard, the evidence considered and appropriate findings. The report shall be promptly provided to the Title IX Coordinator.
- I. Notice of Investigative Outcome: If the Title IX Coordinator, (in cases alleging Sex Discrimination, including Sexual Harassment and Sexual Violence) performed the investigation, he/she shall notify the student in writing of the investigation outcome with 5 Working Days of completing the report. Otherwise, within 5 Working Days of receiving the report, the Title IX Coordinator shall review the report and notify the student in writing of the outcome of the investigation. A written notice of the investigative outcome shall include:
1. A summary of the allegations;
  2. The investigative process;
  3. The preponderance of the evidence standard;
  4. The evidence considered, the findings of fact; and
  5. A determination as to whether this policy was violated, and if so, any remedies to be afforded to the complainant. If the outcome is that this policy was not violated, the notice shall inform the complaint of his/her right to file an appeal under Level 2 Appeal Review.

At the complainant's request, a copy of the notice shall also be provided to his/her advocate, if any.

- J. Notice of Investigative Outcome to the Accused: A separate written notice shall be provided to the accused indicating whether the allegations at Level 1 were substantiated. If the outcome is that this policy was not violated, the accused shall also be informed of the complainant's right to file an appeal. At the accused's request, a copy of the notice shall also be provided to his/her advocate, if any.

If the outcome of the investigation is that this policy was in fact violated, the accused shall be subject to discipline and the Title IX Coordinator, who is also the Dean of Students, will determine the sanction. The accused shall receive a written notice of his/her right to file an appeal under the Level 2 Appeal Review.

#### Level 2: Appeal Review – Student Hearing and Review Panel (SHRP) & Final Disposition Committee

- A. Timing for an Appeal to the SHRP: If a complainant wishes to contend a Level 1 determination that a policy was not violated, or if the accused is deemed guilty of violating a policy, either party may file a Level 2 appeal with the Student Hearing and Review Panel (SHRP) no later than 3 Calendar Days after receipt of the written notice of the Level 1 outcome.

Level 2 Appeals shall be submitted to the Assistant to the Dean of Students in Student Life. The Assistant to the Dean of Students shall promptly give written notice to the Title IX Coordinator, where the allegations of Sex Discrimination, Sexual Harassment or Sexual Violence, of any such appeal.



- B. Appeal Request: The appeal shall be in writing and shall: (1) specify the reasons why the determination reached at Level 1 was erroneous; and (2) identify the specific evidence submitted at Level 1 that supports a finding of the alleged discrimination, harassment or retaliation by a preponderance of the evidence or lack thereof. The issues and evidence raised on appeal shall be limited to those raised and identified at Level 1. The SHRP will offer reasonable accommodations to complainants who are unable to submit a written appeal due to disability.
- C. SHRP Review: The SHRP review shall be limited to determining (1) whether the Level 1 findings of fact are supported by a preponderance of the evidence; and (2) whether the findings of fact support the conclusion that this policy was or was not violated. The review will not involve a new investigation and will not consider evidence that the complainant did not introduce at Level 1. If the SHRP review determines that evidence introduced for the first time at Level 2 could have affected the Level 1 determination, the complaint shall be returned to the Title IX Coordinator so that the Level 1 investigation may be completed, and findings revised, if necessary, within a specified time frame period that should not exceed an additional 10 Working Days. Under these circumstances, the complainant and accused shall be informed that the investigation has been reopened and the timeline established in Level 2.D shall be extended according to Level 3 E and F.
- D. SHRP Response: The SHRP shall respond to the complainant and accused no later than 5 Working Days after receipt of the Level 2 appeal, unless the timeline has been extended according to Level 3 E and F. The response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the preponderance of the evidence standard, a determination of the two issues listed in Section C above and a final decision. In cases of allegations of Sex Discrimination, including Sex Harassment or Sexual Violence, a copy of the response shall be forwarded to the Title IX Coordinator. At the complainant's request, a copy of the SHRP Response shall also be provided to his/her advocate. The IAIA shall determine whether any remedies shall be afforded to the complainant and provide prompt written notice to the complainant of any remedies to be provided to him/her. The SHRP shall provide a separate notice to the accused and, if requested by the accused, to his/her advocate, indicating the appeal outcome; i.e., whether the accused has been determined to have violated this policy by a preponderance of evidence.
- E. Closure: The SHRP response and decision are final and conclude the IAIA Complaint process.

### Level 3: General Provisions for Investigation/Review of Complaints

- A. All investigations and reviews shall be conducted impartially and in good faith.
- B. Students and IAIA employees are required to cooperate with the investigation and other processes as stated in this policy, including but not limited to attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If a complainant and/or accused refuse to cooperate, the IAIA may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.
- C. A complainant shall proceed with a complaint in good faith. A student who knowingly and intentionally files a false complaint or gives false statements shall be subject to discipline in accordance to the Student Handbook. Such disciplinary action shall not be deemed to be retaliation.
- D. Both the complainant and the accused shall have the right to identify witnesses or other evidence for consideration; however, the IAIA shall decide what evidence (if any) is relevant and significant to the issues raised.
- E. If the complainant, the accused, a witness, the investigator, SHRP, FDC or other necessary person involved in the Complaint Process is unavailable due to any reason deemed to be legitimate by the investigator/SHRP, the timelines stated herein will be automatically adjusted

for a reasonable period that should not exceed an additional 10 Working Days. Both the complainant and accused shall receive written notification of any period of extension.

- F. Timelines set in this policy may also be extended by agreement. If the student does not agree or does not respond to IAIA's request for an extension, IAIA shall respond to the complaint or appeal within the timelines set forth herein. Any such response shall be temporary in nature as it will be based upon the information available at the time. The interim response shall note that the investigation or review will continue until IAIA is satisfied that its duty to respond to the allegations(s) has been appropriately discharged. The interim response shall include a summary of the allegations, a description of the investigative and review process, and shall also provide the complainant with an anticipated date of completion.
- G. When submitting a complaint or issuing a Level 1 or 2 decision, personal delivery, overnight delivery service, or certified mail shall be used. If personal delivery is used, a signature acknowledging the calendar date of delivery shall be obtained which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of filing or response.
- H. The IAIA is not obligated to investigate under the provisions of this policy when no complaint is filed, or when a complaint is not timely filed. If the IAIA determines the circumstances warrant an investigation, the IAIA shall investigate the underlying allegations of any Discrimination, Harassment or Retaliation complaint. In the event, any such investigation shall be subject to Level 1 D through I and Level 3 A through H of this policy but shall not be subject to Level 2 Appeal Review. If IAIA determines an investigation is not warranted, the reasons for that decision shall be put in writing and retained by IAIA according to appropriate record retention policies.
- I. When it is necessary for the complainant or his/her advocate to have access to specific information for filing a complaint, the complainant or his/her advocate shall make a written request for such information to the Title IX Coordinator. The complainant or his/her advocate shall have access to information within the policies and procedures and laws governing confidentiality and privacy that are relevant to any issue raised in a complaint. This provision does not authorize a complainant access to the personal files of another without the written consent of that person.
- J. The IAIA is committed to academic freedom assuring that all persons may exercise rights of free expression, speech and assembly; however, those rights do not allow any form of unlawful discrimination, harassment or retaliation.

#### **Reporting Retaliation**

- A. It is a violation of Title IX and IAIA policy to retaliate against any person who makes a complaint of discrimination, harassment, including sexual violence or misconduct, or testifies, assists, or participates in an investigation or proceeding regarding an allegation of discrimination, harassment, sexual violence or misconduct.
- B. If a student, staff, or faculty member has threatened to retaliate against another student, staff, or faculty member it should be reported promptly to the Title IX Coordinator.
- C. A staff, faculty member, or student who retaliates against a person who makes a complaint of sexual violence or misconduct, testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual violence or misconduct, or seeks assistance from the Title IX Coordinator, may be subject to disciplinary action, including dismissal, suspension or expulsion.

## **ANNUAL FIRE REPORT**

### **DESCRIPTION OF ON-CAMPUS STUDENT HOUSING FIRE SAFETY SYSTEM**

The residence hall has smoke and heat detectors, a sprinkler system and fire alarm. The family units have smoke detectors.

### **NUMBER OF FIRE DRILLS DURING CALENDAR YEAR**

One fire-drill each semester is conducted in the residence hall and family housing.

### **POLICIES OR RULES FOR ELECTRICAL APPLIANCES & OPEN FLAMES**

These items are not allowed in the residence halls. Open flame products (e.g. candles, oil lamps, jewelry

torches and incense) are prohibited in the rooms of the one residence hall on campus and the campus family housing apartments due to their potential fire danger and a fine of \$50 will be charged for violations.

Smudging for ceremonial cleansing and purification is allowed if a non-flammable container is used and prior notification is made to housing staff that the person will accept full responsibility in case of fire. Decorative candles must have non-burned, clipped wicks, or be wickless.

## **PROCEDURES FOR STUDENT HOUSING EVACUATION**

Evacuation maps and information are on the inside door of every residence and room. If a fire alarm sounds, all residents must leave the Student Housing via the evacuation plan posted in the area they are occupying. A student not complying with the evacuation procedure may be subject to disciplinary sanctions because it is a violation of state law to remain in residential rooms/apartments after an alarm has been sounded.

### **Family Housing Procedures**

1. Upon discovering a fire in a family housing apartment, close the door to the room and evacuate the apartment, and contact Student Life staff immediately.
2. Dial 911
  - a. State the problem
  - b. State where on campus and in which building the emergency exists.
  - c. Do not hang up the phone until the dispatcher tells you to do so.
3. Call Campus Security, 505.428.5800 or 505.577.1660. Give your name and location of the fire.
4. If the fire is small, you may wish to fight it with a fire extinguisher found in the apartment.
5. If the fire is large, very smoky, or rapidly spreading, evacuate the apartment immediately.
6. Evacuate to the prearranged area in the Family Housing parking lot as outlined in the evacuation plan on the inside of your apartment's door. Do not return to the building until instructed to do so by public safety personnel.
7. Notify either public safety personnel or firefighters on the scene if you suspect someone may be trapped inside a building.

### **Residence Center Procedures**

1. If you discover a fire in the CLE-Residence Center, close the door to the room where the fire is located and contact staff immediately. They will sound the building fire alarm.
2. Dial 911
  - a. State the problem
  - b. State where in the building the emergency exists.
  - c. Do not hang up the phone until the operator tells you to do so.
3. Call Campus Security, 505.428.5800 or 505-577-1660. Give your name and the location of the fire.
4. If the fire is small, you may wish to fight it with a fire extinguisher found in each hallway and in each lounge next to the kitchen.
5. If the fire is large, very smoky, or rapidly spreading, evacuate the building immediately. Inform others in the building who may not have responded to the alarm to evacuate immediately. The alarm may not sound continuously. If the alarm stops, continue to evacuate, and warn others who may enter the building after the alarm stops.
6. Close doors before leaving. Walk; do not run, to the nearest exit. If you have mobility impairment, request assistance from those nearest you. In the event no one renders assistance, proceed to the nearest stairwell exit and shout for help and wait there until help arrives.
7. If you are in your room, evacuate to the stairwell and follow the sidewalk to the prearranged meeting place west of the Center for Student Life building as outlined in the evacuation plan on the inside of your Residence Center room door. Do not return to the building until instructed to do so by public safety personnel.

8. If you are in the 2nd floor lounge, evacuate to the 1st floor vestibule using the stairway next to the elevator and evacuate out the front door. If you are in the first-floor lounge, evacuate out the front door to the prearranged meeting place west of the Center for Student Life complex as outlined in the evacuation plan on the inside of your Residence Center room door. Do not return to the building until instructed to do so by public safety personnel.

### **Campus Building Procedures**

1. Upon discovering a fire in a campus building, close the door to the room where the fire is located and contact staff immediately. Sound the building fire alarm.
2. Dial 911
  - a. State the problem
  - b. State where on campus and in which building the emergency exists.
  - c. Do not hang up the phone until the dispatcher tells you to do so.
1. Call Campus Security, 505.428.5800 or 505.577.1660. Give your name and location of the fire.  
If the fire is small, you may wish to fight it with a fire extinguisher. Be sure you are using the proper extinguisher for the type of fire you are fighting. If you are not sure, check the label on the extinguisher.
2. If the fire is large, very smoky, or rapidly spreading, evacuate the building immediately. Inform others in the building who may not have responded to the alarm to evacuate immediately. The alarm may not sound continuously. If the alarm stops, continue to evacuate. Warn others who may enter the building after the alarm stops.
3. Close the doors before leaving. Walk; do not run, to the nearest exit. If you have mobility impairment, request assistance from those nearest you. In the event no one renders assistance, proceed to the nearest exit and shout for help and wait there until help arrives.
4. Evacuate to the designated rendezvous place or a distance of at least 500 feet from the building and stay out of the way of emergency personnel. Do not return to the building until instructed to do so by public safety personnel.

Notify either public safety personnel or firefighters on the scene if you suspect someone may be trapped inside a building.

### **FIRE SAFETY EDUCATION AND TRAINING PROGRAMS**

The Student Services Department will provide mandatory trainings regarding fire safety and prevention in residential housing each semester for all residential students. In addition, fire drills will be conducted periodically in Student Housing and Family Housing. Notices will be posted. If a fire alarm sounds, all residents must leave the Student Housing via the evacuation plan posted in the area they are occupying. A student not complying with the evacuation procedure may be subject to disciplinary sanctions because it is a violation of state law to remain in residential rooms/apartments after an alarm has been sounded.

- The annual safety community gathering provides fire safety training for all staff, faculty, and students.
- The residence hall and family housing have a fire drill each semester, organized by the Director of Housing
- Annual fire drills in each administrative and classroom building are organized by the Director of Facilities
- Evacuation map and procedures in each room in all buildings

### **WHO TO REPORT THAT A FIRED OCCURRED**

Director of Facilities - 505.629.5006 (cell) or 505.424.2326 (office)  
Housing Director – 505.424.2380



The IAIA Criminal Statistics Data Collection is noted below for the past three years and provides information on crimes Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence Sexual assault: rape, fondling, incest, statutory rape, Robbery, Aggravated assault, Burglary, Motor vehicle theft, Arson. Also listed is disciplinary actions or arrests for weapons violations, drug violations and alcohol violations.

[illegible]



The IAIA Hate Crime Statistics Data Collection is noted below for the past three years and provides information on crimes motivated by offenders' bias against race, gender, gender identity, religion, disability, sexual orientation, and ethnicity.

	2022						2021						2020					
HATE CRIMES	R a c e	Religi on	Sexual Orienta tion	Gen der	Disabi lity	Ethnic ity/ Natio	Ra ce	Relig ion	Sexual Orienta tion	Gen der	Disabi lity	Ethni city/ Natio	Ra ce	Relig ion	Sexual Orienta tion	Gen der	Disabi lity	Ethni city/ Natio
Murder/ Non- negligent manslau	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaught er	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offens es -	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense s – No-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutor y Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggrav ated	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidati	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruct ion/ damage/ vandalis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

End of Report







