

## IAIA Sexual Violence Prevention & Education Statement

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 Harassment includes, but is not limited to:

- verbal or physical sexual advances, including subtle pressure for sexual activity;
  - repeated or persistent requests for dates, meetings, and other social interactions;
  - sexually-oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
  - showing, giving and displaying sexual pictures, photographs, illustrations, messages, or notes;
  - writing graffiti of a sexual nature on IAIA property;
  - comments or name-calling to or by a student regarding alleged physical or personal characteristics of a sexual nature;
  - sexually-oriented "kidding, teasing," double-entendres, and jokes;
  - any harassing conduct to which a student is subjected because of or regarding the student's sex or sexual orientation.
- **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.

## **Who to Contact if you have Complaints, Question or Concerns**

The campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint (sexual assault and violence); the IAIA Complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off-campus; and other related matters.

### **Campus Title IX Coordinator:**

Carmen Henan, Dean of Students  
Dean of Students Office, CLE Building, 1<sup>st</sup> floor  
505-424-2336  
[chenan@iaia.edu](mailto:chenan@iaia.edu)

**In an emergency call 911 immediately.**

## **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 that 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 several criminal acts constitute domestic abuse. 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 in Santa Fe go to [www.santafesafe.org](http://www.santafesafe.org).

**CAMPUS RESOURCES**

**Carmen Henan, Campus Title IX Coordinator: 505.424.2336**

**Greer McSpadden, IAIA Counselor: 505.424.5758**

**PMS Student Health Clinic: 505.428.5925**

**IAIA Security: Office: 505.424.5800**

**Cell: 505.577.1660**

**COMMUNITY RESOURCES**

**Police, Ambulance, Fire Emergency: 911**

**Solace Crisis Treatment Center: 505.988.1951**

For people who have experienced distress from any traumatic event, including sexual violence.

24 Hour Crisis Advocacy Hotline: 1.800.721.7273

Hotline: 505.986.9111

**Crisis Response of Santa Fe – PMS: 505.820.6333**

If you need someone to talk to during a crisis.

Suicide Hotline: 505.820.6333

**Esperanza Shelter & Support Center: 505.473.5200**

A shelter for individuals and families who have experienced immediate domestic violence.

They also provide counseling for families.

**Santa Fe Indian Health Service: 505.946.9283**

**Christus St. Vincent Regional Medical Center: 505.983.3361**

**Entrada Contenta Health Center-Urgent Care: 505.913.4180**

(located across from Super Walmart)

**NM State Police: 505.827.9300**

**Santa Fe County Sheriff's Office: 505.428.3720**

**Santa Fe Police Department: 505-428.3710**

**COMPLAINTS**

Student Hearing and Review Panel

Jackie Chitto, Assistant to the Dean of Students

505.424.2336

jchitto@iaia.edu

U.S. Department of Education, Office for Civil Rights (OCR)

1.800.421.3481 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)