



SAN JUAN COLLEGE  
Success Matters

# 2025 Annual Security Report

\*This report contains information for calendar year 2024



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## Safety Resources

### SAN JUAN COLLEGE DEPARTMENT OF PUBLIC SAFETY

4601 College Boulevard

Farmington, NM 87402

#### Emergency

Emergency Services (from any phone) ..... **911**

#### Non-Emergency

Department of Public Safety On Duty ..... 505.566.4444

### FARMINGTON POLICE DEPARTMENT

900 Municipal Drive

Farmington, NM 87401

#### Emergency

Emergency Services ..... **911**

#### Non-Emergency

Non-Emergency San Juan County Dispatch ..... 505.334.6622

Administration ..... 505.327.7701

### AZTEC POLICE DEPARTMENT

201 W. Chaco

Aztec, NM 87410

#### Emergency

Emergency Services ..... **911**

#### Non-Emergency

Non-Emergency San Juan County ..... 505.334.6622

Administration ..... 505.334.7601

## SAN JUAN COUNTY SHERIFF’S OFFICE

211 S. Oliver Drive

Aztec NM, 87410

### Emergency

Emergency Services ..... **911**

### Non-Emergency

Non-Emergency San Juan County ..... 505.334.6622

Administration ..... 505.334.6107



## Campus Resources

### TITLE IX

**Title IX Coordinator** ..... 505.566.3515

### DEPARTMENTAL CAMPUS RESOURCES

**Admissions**..... 505.566.3320

**Advising and Counseling** ..... 505.566.3526

**Disabilities Services** ..... 505.566.3643

Removing barriers in the classroom while preserving the integrity of course objectives.

**EDGE Program** ..... 505.566.3147

TRiO student support services for first generation, income challenged, and/or students with disabilities.

**Environmental Health and Safety**..... 505.566.4083

**Financial Aid** ..... 505.566.3323

**Herencia Latina/ENLACE Center** ..... 505.566.3874

The Herencia Latina/ENLACE Center is committed to the access, retention, and graduation of Hispanic/Latino students.

**Human Resources**..... 505.566.3215

**Native American Center** ..... 505.566.3321

The Native American Center is committed to the access, retention, and graduation of Native American students.

**Safe Zone Program** ..... 505.566.3212

The San Juan College Safe Zone Program provides advocacy and support for GLBTQ students, faculty, and staff, while working to educate the wider San Juan College community about Gay, Lesbian, Bisexual, Transgender, and Questioning issues.

**Student Achievement Center/Resource Network** ..... 505.566.3378

The Student Achievement Center helps students plan for being successful in College. The Resource Network can connect you to local resources such as food, housing, childcare, and academic support.

**Student Engagement & Campus Life** ..... 505.566.3403

**Student Success Center** ..... 505.566.3362

**Veteran Student Center** ..... 505.566.3970

The Veteran Center is committed to the access, retention, and graduation of Veteran students.

**Vice President of Student Services** ..... 505.566.3318

## Community Resources

**American Red Cross (San Juan Chapter)** ..... 505.288.3544

Services provided include: Disaster Services (emergency food, clothing, and shelter following a disaster for both families and individuals), Military Services (emergency communications and financial assistance for service members and their families), Health and Safety (CPR (Cardiopulmonary Resuscitation) & First Aid classes, AED (Automated External Defibrillator), water safety, youth programs), Lifeline (a communications system to provide emergency assistance to individuals living at home, this service allows people to live with peace of mind knowing help is as close as the “push of a button”).

**Animas Crisis Pregnancy Center** ..... 505.327.4747

Free pregnancy tests, unplanned pregnancy counseling, sexual choices education, after abortion care, parenting classes, pregnancy alternatives, information and referrals. All services are confidential and free of charge to the client.

**Birthright Crisis Pregnancy Center** ..... 505.327.9000

Services provided include crisis pregnancy counseling, free pregnancy tests, baby clothing (including diapers), maternity clothing, referrals to medical assistance, and formula.

**Children, Youth and Families Department – Protective Services** ..... 505.327.5316

Receive and investigate reports of child/adult abuse, neglect, or exploitation.

**Choices Counseling Services** ..... 505.325.5321

Offers stress counseling, depression, grief counseling, ADD, ADHD, anger management, adolescent issues, and family counseling in the area of couples and marriage counseling.

**Desert View Family Counseling** ..... 505.326.7878

Offers mental health counseling for victims of sexual abuse, domestic violence, and other trauma.

**DNA Legal Services, Inc** ..... 505.325.8886

**Family Crisis Center** ..... 505.325.3549

**Crisis Hotline** ..... 505.564.9192

Services provided include protective shelter, counseling, mental health services, family counseling, children’s programs, groups

**Farmington Indian Center** ..... 505.599.1524

**Home for Women and Children** ..... 505.368.5124

**New Mexico Child Support Enforcement Division ..... 505.327.6074**

Assists single families in reaching economic self-sufficiency through the location of non-custodial parents, establishment of paternity, the establishment and enforcement of court ordered child and medical support, interstate services, and review and adjustment of support obligations.

**New Mexico Regional Office for Civil Rights ..... 800.368.1019**

**People Assisting the Homeless (PATH) ..... 505.327.3104**

Services provided include emergency shelter and daily bread.

**Planned Parenthood of the Rocky Mountains ..... 505.327.0451**

Services provided include birth control methods and education, emergency contraception, pregnancy testing, annual exams, STD testing, HIV testing, mid-life services, mammogram referrals

**Presbyterian Medical Services**

**Health ..... 505.327.4796**

**Mental Health Services ..... 505.325.0238**

**San Juan County Partnership ..... 505.566.5867**

The Partnership provides prevention programming for youth and families; raises the awareness of prevention efforts; supports community planning activities and projects; serves as a forum for community input, networking and resource sharing; and administers local and statewide programs.

**San Juan County Public Health..... 505.326.4661**

Services provided include immunization clinic, family-planning services, STD services, HIV testing, flu shots, vital records, WIC (Women, Infants, and Children) Nutritional Program.

**Sexual Assault Services of Northwest New Mexico ..... 866.908.4700**

## National Resources

**National Dating Abuse Helpline..... 866.331.9474**

**National Domestic Violence Hotline..... 800.799.7233**

**Rape, Abuse & Incest National Network ..... 800.656.HOPE**

**Substance Abuse and Mental Health Services Administration**

**Suicide Prevention Lifeline..... 800.273.8255**

**Disaster Distress Helpline ..... 800.985.5990**

**Treatment Referral Routing Service ..... 800.662.4357**

**Veteran's Crisis Line ..... 800.273.8255**



## About The Jeanne Clery Act



The federal **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)** requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policy are made once a year in an Annual Security Report (ASR), and information about specific crimes and emergencies is made publicly available on an ongoing basis throughout the year.

The Clery Act is named in memory of Jeanne Clery, who was raped and murdered in her residence hall room by a fellow student whom she did not know on April 5, 1986. Her parents championed laws requiring the disclosure of campus crime information, and the federal law that now bears their daughter's name was first enacted in 1990. It has been amended regularly over the last two decades to remain current with changes in campus safety, with the most recent update in 2013 to expand the law's requirements concerning the handling of sexual violence.

### Compliance Requirements

To comply with the Clery Act, San Juan College must meet certain requirements determined by federal law and the U.S. Department of Education. The requirements include:

- Collecting, classifying, and counting crime reports, and then publishing crime statistics based on those reports. The crime statistics must also be submitted to the Department of Education via a web-based data collection to disclose crime statistics by type, location, and year.
- Issuing campus alerts, in the form of either timely warnings or emergency notifications.
- Publishing an ASR. The ASR is due annually to the Department of Education by October 1.
- Maintaining a daily crime log. The crime log documents the nature, date, time, and general location on campus of every crime that occurs on campus.

### Crime Statistics

The Clery Act requires institutions to disclose four general categories of crime statistics. Institutions must disclose reported offenses, not the finding of a court, coroner, or jury, or the decision of a prosecutor. The four general categories of crime statistics are:



### **Criminal Offenses**

- 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

### **Hate Crimes (Crimes motivated by bias)**

- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

### **Violence Against Women Act (VAWA) Offenses**

- Domestic Violence
- Dating Violence
- Stalking

### **Arrests and Referrals for Disciplinary Action**

- Weapons Law Violations
- Drug Abuse Violations
- Liquor Law Violations

## San Juan College Department of Public Safety

### Overview

San Juan College is a public community college that receives 44% of its funding from state and federal funding sources. The San Juan College Department of Public Safety serves several locations throughout San Juan County. Any statements made in the ASR regarding San Juan College apply to all of the following San Juan College locations, unless specified otherwise:

- San Juan College – Main Campus  
4601 College Blvd.  
Farmington, NM 87402
- San Juan College – West Campus  
96 County Road 6500  
Kirtland, NM 87417
- San Juan College – East Campus  
315 S. Ash  
Aztec, NM 87410
- San Juan College – 30th St. Campus  
3539 E. 30th St.  
Farmington, NM 87402
- San Juan College – South Hutton Campus  
800 South Hutton Rd.  
Farmington, NM 87401

The Department of Public Safety staff includes a director, a public safety manager, an access and control lead, three shift supervisors, eleven public safety officers, an administrative assistant, and semester-based student workers. The Department of Public Safety operates on an ongoing 24-hour, 7-day-a-week basis. Services provided by the Department of Public Safety include, but are not limited to:

- Enforcing campus rules and regulations for all students, staff, faculty, and guests
- Responding to criminal, fire, medical, and environmental incidents and emergencies
- Investigating criminal reports, suspicious activities and persons, reported campus safety concerns
- Assisting victims of crime by taking reports, doing follow-up investigations, coordinating with local agencies, and referring victims to appropriate resources
- Monitoring and responding to fire, smoke, burglary, and intrusion alarms

- Partnering with local police, emergency medical services, fire, and local support organizations
- Providing campus safety consultation to San Juan College employees and students
- Presenting crime prevention and awareness programs—Suns On Guard and Emergency Preparedness
- Safety escorts for students or employees
- Emergency message delivery
- Overnight vehicle security
- Motorist assistance with vehicle jumps
- Campus lost and found
- Crime avoidance and self-defense training
- Motorized cart certification
- Emergency preparedness drills, including fire drills and active shooter simulations
- Medical assistance, including first-aid and CPR

The Department of Public Safety offices are located on the San Juan College main campus at 4601 College Blvd., Farmington, NM 87402. The Department of Public Safety offices are in the East Classroom Complex and include offices 1100A through 1100G, 1106, and 1114.

### **Enforcement and Arrest Authority**

The San Juan College Board has delegated authority to the San Juan College Department of Public Safety to enforce campus rules and regulations. Public Safety Officers in the San Juan College Department of Public Safety are not sworn law enforcement personnel, as defined under New Mexico law. Public Safety Officers in the San Juan College Department of Public Safety receive their authority via the provisions of common law controls and case law, specifically NMSA 1978, § 38-1-3, *Downs v. Garay*, 106 N.M. 321, 742 P.2d 533 (Ct. App. 1987) referencing Restatement (Second) of Torts § 119 (1965), Section 30-16-23 NMSA (Repl.Pamp.1984) with respect to shoplifting, and *Karbel v. Francis*, 103 N.M. 468, 709 P.2d 190 (Ct. App. 1985). Felonies are defined under NMSA 1978, § 30-1-6(A). “Breach of the Peace” as listed under Article 20 of the New Mexico Statutes.

Public Safety Officers in the San Juan College Department of Public Safety can detain individuals. Anytime an individual is detained, Public Safety Officers in the San Juan College Department of Public Safety must contact the law enforcement agency whose jurisdiction includes the San Juan College property where the detainment was conducted.

The Farmington Police Department provides one full-time School Resource Officer (SRO) to serve as a liaison between the San Juan College Department of Public Safety and the Farmington Police Department. The SRO has an assigned on-campus office on the main campus at 4601 College

Blvd., Farmington, NM 87402, in the Department of Public Safety office area in the East Classroom Complex.

The San Juan College Department of Public Safety works in conjunction with the Farmington Police Department and other San Juan County or State of New Mexico law enforcement agencies to provide law enforcement services on campus. The Farmington Police Department is the primary police agency responsible for law enforcement services, crime prevention, reporting of criminal activity, and crime-related

issues on the San Juan College properties that fall in their jurisdiction. The San Juan County Sheriff's Office is the primary police agency responsible for law enforcement services at the San Juan College West Campus. The Aztec Police Department is the primary police agency responsible for law enforcement services at the San Juan College East Campus. Public Safety Officers in the San Juan College Department of Public Safety do not provide regular patrols at the San Juan College East Campus and do not respond to crimes, alarms, medical incidents, or any other emergency event or incident that may occur at that location. According to the 2016 Agreement/Contract between San Juan College and the Aztec Municipal School District (AMS), AMS is responsible for the directorship and management of the San Juan College East Campus. This includes management of the San Juan College East Campus facilities, including but not limited to maintenance, security, and safety of the East Campus.

## **Jurisdiction**

The Department of Public Safety is charged with the primary responsibility of providing security services and enforcing a safe and supportive learning environment at all San Juan College locations listed above in the "Overview" section of the ASR, excluding the San Juan College East Campus. San Juan College property is defined as those properties and facilities owned or controlled by San Juan College which are used by San Juan College in direct support of, or in relation to, the institution's educational purposes.

## **Interagency Agreements**

The Department of Public Safety maintains a close working relationship with local, county, state, and federal law enforcement agencies; first responders; as well as other appropriate entities of the criminal justice system. Information concerning statistics and crime-related reports are routinely shared among the appropriate agency officials. This collaboration ensures the optimal safety for the College and the community as a whole.

Public Safety Officers in the San Juan College Department of Public Safety have power and authority under state law for the enforcement of parking and traffic conditions on San Juan College property that is within the jurisdiction of the Farmington Police Department. Enforcement of parking regulations may be done on the College campus by College security personnel operating under Special Commissions from the City of Farmington. The Farmington

Police Department grants the authority through a Memorandum of Understanding titled Memorandum of Understanding for Parking and Traffic Enforcement at San Juan College, amended December 15, 2014. Only Farmington Police Department officers have arrest powers under the Memorandum of Understanding and under state law.



## Reporting Crimes, Emergencies, and Safety Concerns

When a student or employee becomes aware of an immediate or imminent danger or threat on the part of employees, students, guests, or others, affecting or involving the campus community, that individual must report the incident to San Juan College. San Juan College encourages accurate and prompt reporting of all crimes to the Department of Public Safety and the appropriate law enforcement agencies when the victim of a crime elects to, or is unable to, make such a report. The San Juan College community is also highly encouraged to immediately report any suspicious activity or other emergencies to the Department of Public Safety. Reports are accepted in any manner, including in person at the Department of Public Safety offices, in writing, via phone, or electronically. Criminal actions or other emergencies occurring on campus should be reported to the Department of Public Safety 24 hours a day, 365 days a year. For immediate, life-threatening emergencies, call 911 and then contact the Department of Public Safety.

The Department of Public Safety will also review reports to determine any patterns in campus crime, unsafe campus locations, time of day, method of crime, or assailant, and alert the campus community of potential danger as required by the Clery Act.

### Reporting Options

#### In Person

To submit a report in person, visit the Department of Public Safety offices in the East Classroom Complex on the San Juan College main campus at 4601 College Boulevard, Farmington, NM 87402.

## Phone

Emergency Services ..... 911

Department of Public Safety On Duty Officer ..... 505.566.4444

## Electronically

Department of Public Safety Website ..... [www.sanjuancollege.edu/publicsafety](http://www.sanjuancollege.edu/publicsafety)

## Suspicious Activity/Safety Concerns

The San Juan College community is encouraged to remember the rule of thumb of “If **you see something, say something.**” Examples of suspicious activity that should be reported include:

- Verbal threats to inflict harm to self or others.
- Inappropriate interests (e.g., previous active shootings or mass attacks, interest in explosives and improvised explosive devices, acquisition of firearms).
- Use of any object to intimidate another.
- You see fire or smell smoke.
- You think you observe someone under the influence of alcohol or substances while on campus property.
- You have knowledge of a chemical spill.
- Someone may be injured or ill.
- You see anyone or anything that you determine is suspicious.

## Behavioral Intervention Team

The San Juan College Behavioral Intervention Team (BIT) was created to provide caring, preventive, early intervention with individuals whose behaviors are disruptive or concerning for the safety of the San Juan College community. The BIT is an interdisciplinary committee of college officials and community representatives who meet weekly and as needed. The BIT monitors reported events in which an individual’s behavior has the potential to negatively affect the College environment. All reports submitted to the BIT are handled discreetly, and the BIT makes every attempt to maintain confidentiality of the reporting party. Reports can be submitted anonymously; however, reporting parties are encouraged to identify themselves because it may assist the BIT if clarification or additional information is needed.

A student, parent, faculty, staff, or community member who feels a person is a threat to oneself, others, or is exhibiting behaviors of concern may submit a BIT report. BIT reports may be submitted on students, faculty, staff, or guests of San Juan College. If concerning behaviors are identified, the BIT will provide purposeful and timely interventions in order to maintain a safe campus environment conducive to learning and achieving academic success. BIT reporting is for non-emergency situations only. In the event of an emergency, call 911 immediately.

A few core purposes of the BIT include:

- Provide consultation and support to students, faculty, staff, and administration in assisting individuals who display concerning or disruptive behaviors.
- Serve as the central point of contact for reporting behavior that deviates from an established baseline.
- Triage reports by identifying patterns of aberrant behaviors that might suggest the need for an intervention.
- Assess level of threat and level of risk.
- Follow a formalized protocol of instructions for communication, coordination, and intervention.
- Assess long-term success of interventions.

### How to Report

Online.....<https://www.sanjuancollege.edu/behavioral-intervention-bit/>

Email.....[bit@sanjuancollege.edu](mailto:bit@sanjuancollege.edu)

In Person ..... Speak w/ a BIT member

When submitting a report, the BIT encourages individuals to report the objective facts. The objective facts usually include who, what, when, where, and if possible, why. Reporting parties should include as much information as possible. When completing a report online, reporting parties are encouraged to complete as many sections of the report as possible. Some sections of the online report are required. Personally, identifiable information about the reporting party is not required but is encouraged. When completing a report via phone, reporting parties are directed to a pre-recorded voice message notifying them that they have contacted the BIT. Reporting parties should then leave a voice message as their report.

### What to Report

Although behaviors will be assessed on a case-by-case basis, the BIT recommends that the following behaviors be reported: anger; aggression; depression; suicidal thinking; intent to harm self, others, or property; domestic violence; dating violence; stalking; isolation/withdrawal; displays of paranoia, distrust, or emotional trouble; extreme or sudden changes in behavior; over-reaction to change in policies or procedures; numerous conflicts with others; acts motivated by hatred or discrimination; alcohol or drug abuse; identifying with or idolizing persons who have engaged in violence toward others; sudden acquisition of multiple weapons/firearms; interest in previous mass casualty events; making statements indicating approval of using violence to resolve a problem; possession of a weapon(s) on campus; vandalism.

BIT reports immediately enter a secure database. BIT members receive automated notifications that a BIT report was submitted. The report is reviewed, assessed, and assigned to specific BIT



members. The reporter may be contacted for further information if the reporter provided contact information. BIT members meet weekly or as needed to discuss the reports and possible next steps to address the behavior. If the BIT determines that no action is required in response to a report, the reporting party and the person of concern are not contacted. BIT reports are securely saved and stored in a database for future reference if necessary.

Additional BIT resources can be found at <https://www.sanjuancollege.edu/behavioral-intervention-bit/> or by visiting the San Juan College homepage at [www.sanjuancollege.edu](http://www.sanjuancollege.edu) and clicking on the Behavioral Intervention Team link in the footer.

## **Campus Security Authorities**

It is important for the San Juan College community to report criminal incidents directly to the Department of Public Safety or the Farmington Police Department. However, some victims of crimes may feel more comfortable reporting a crime to a different campus community member. According to the Clery Act, a crime is “reported” when it is brought to the attention of a Campus Security Authority (CSA). If a CSA receives crime information and believes it was provided in good faith, the CSA should document it as a crime report and report it to the Department of Public Safety for the purpose of making timely warning reports and for inclusion in the annual statistical disclosure.

Campus Security Authority is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution:

A campus police department or a campus security department of an institution.

Any individual(s) who has responsibility for campus security but who does not constitute a campus police department or a campus security department.

An individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

## **Examples of Campus Security Authorities**

- Law Enforcement Officers
- Department of Public Safety Staff
- Victim Advocates
- Dean of Students
- Director of Campus Counseling
- Title IX Coordinators
- Department Chairs
- Student Engagement & Campus Life

- Vice-President of Student Services
- Environmental, Health & Safety and Risk Management Staff
- Disability Resources and Services Staff
- Director of Student Achievement Center and Student Achievement Center Coaches

## Confidential Reporting

The Department of Public Safety offers several ways to report crimes while preserving privacy. Crimes reported confidentially will be included in the annual disclosure of crime statistics; however, no personally identifiable information will be included. Victims who do not wish to pursue campus disciplinary or criminal action but who wish to document the details of an incident with San Juan College may file a report with the Department of Public Safety anonymously on the Witness Statement Form at:

<https://www.sanjuancollege.edu/support/campus-safety/>

The Department of Public Safety takes every reasonable step to protect the identity of a reporting party. The Department of Public Safety will not disclose a reporting party's personally identifiable information unless required to do so legally or in order to comply with requirements of the criminal justice system. The Department of Public Safety abides by the Family Educational Rights and Privacy Act (FERPA) concerning the confidentiality of a party's educational records.



## Campus Facilities

### Access to Campus

San Juan College is state-owned and is thus open to the public. Many academic and administrative buildings are open to the public during normal operating hours, although some buildings have individual operating hours that may vary depending on the time of the year and/or the day of the week. Access to buildings is controlled by key card or hard key access during and outside of normal hours of operation. All buildings have varied levels of access. Electronic exterior door lock and unlock times are programmed by the Department of Public Safety.

At certain times, the Department of Public Safety is responsible for locking/unlocking exterior doors of the San Juan College main campus at 4601 College Blvd, Farmington, NM 87402, while department staff have key card or hard key access to their respective departments, offices, computer labs, classrooms, etc. In addition, department staff have key card or hard key access to facilities located at San Juan College West Campus, San Juan College East Campus, San Juan College 30th Street Campus, and San Juan College South Hutton Campus.

Any individual that contacts the Department of Public Safety to unlock an area of San Juan College property will be asked by the responding Department of Public Safety representative to present a current and valid San Juan College identification card. San Juan College students, employees, and most community partners working on campus are required to have a San Juan College identification card. A contractor working on San Juan College property is required to report to the designated San Juan College department overseeing the work being performed. The designated department will provide the contractor with temporary identification, identifying the individual as a contractor and identifying the responsible department.

Individuals may be asked to present their identification cards to properly identified San Juan College personnel upon their request while these people are in the performance of their duties. Any individual may be asked by a Department of Public Safety representative to present a current and valid identification card or another form of identification when on College property. The College reserves the right to ask any individual to vacate College property when it is determined that the individual's actions are disrupting, interfering with, or obstructing the functions of the College. The Department of Public Safety has the authority to enforce all campus rules and regulations. The forgery, counterfeiting, alteration, or misuse of any College record, document, or identification card is against San Juan College policy, and disciplinary procedures will be implemented.

### Facilities Maintenance

San Juan College is committed to providing a safe and supportive learning environment. Exterior lighting is an important part of that commitment to safety and security. Motor vehicle parking lots, pedestrian walkways, and building exteriors are well lit. San Juan College Physical Plant

frequently surveys the exterior lighting on campus. The College community and visitors are encouraged to report problems with exterior lights to the Physical Plant at 505.566.3285 or to submit a work order request to San Juan College Public Safety at 505.566.4444 or by email at [dps@sanjuancollege.edu](mailto:dps@sanjuancollege.edu).



Campus exterior and interior doors are evaluated on an ongoing basis through a collaborative effort between the Department of Public Safety, Support Services, Physical Plant, Custodial, and building occupants. Campus doors are regularly examined to ensure the proper function and integrity of the doors, locking mechanism, keycard readers (if applicable), and magnetic fire response

mechanisms (if applicable). Door and security hardware issues are reported to Physical Plant at 505.566.3285.

The Department of Public Safety and Physical Plant evaluates the campus grounds on an ongoing basis in order to maintain a safe environment. Shrubbery, trees, and other vegetation are trimmed and maintained on a continual basis. The campus community and visitors are encouraged to report problems with vegetation around campus to the Physical Plant at 505.566.3285 or to submit a work order request to San Juan College Public Safety at 505.566.4444 or by email at [dps@sanjuancollege.edu](mailto:dps@sanjuancollege.edu).

The San Juan College Facility Improvement Team (FIT) is a multidisciplinary team that includes the Department of Public Safety, Physical Plant, Support Services, Environmental Health and Safety & Risk Management, among other departments. The FIT evaluates San Juan College property and facilities on an ongoing basis. The FIT continually looks to improve the safety of San Juan College property and facilities based on, but not limited to, the following: landscaping, parking lot maintenance, light fixtures, building layout, building architecture, building materials used, office layout, and office supplies used.

## Emergency Response

The San Juan College Department of Public Safety Emergency Management Committee developed a Campus Emergency Operations Plan (EOP) that provides a comprehensive set of guidelines for directing resources before, during, and after campus emergencies and disasters. The EOP outlines the College's procedures for managing major emergencies that may threaten the health and/or safety of the College community or cause disruption to its programs and/or

activities. The plan identifies departments and individuals that are directly responsible for emergency response and critical support services, and it provides a management structure for coordinating and deploying essential resources as well as providing actions for hazard specific situations.

## EMERGENCY RESPONSE PRIORITIES

### 1. Buildings used by dependent populations

Childcare centers, occupied classrooms and offices, occupational auditoriums and special event venues

### 2. Buildings critical to health and safety

Emergency shelters, food supplied, sites containing potential hazards (hazard waste storage, etc.)

### 3. Buildings and areas that sustain emergency response

Energy and/or utility systems, communication services, computer installations

### 4. Classroom Buildings

## Administrative Buildings

The EOP includes a set of guidelines for emergency procedures. Most of the emergency procedures are condensed into a “Quick-Flip Guide to Emergencies.” Guides are posted in all campus buildings and in most classrooms and offices. The Quick-Flip Guide to Emergencies includes the following emergency procedures:

## FIRE

### If you discover a fire:

- Immediately alert those nearby.
- Call 911 and the Department of Public Safety at 505-566-4444.
- If the fire is small and you are trained, use a fire extinguisher.
- If the fire does not go out quickly, evacuate the area immediately.

### If there is a large fire or visible smoke:

- Activate the nearest fire alarm.
- Exit the building using stairs — never use elevators.



- If you cannot evacuate safely, shelter in a secure area and notify responders of your location.

### **Important Safety Notes:**

Fires can spread rapidly. Do not attempt to fight a growing fire. Familiarize yourself with fire extinguisher locations and emergency exits. All campus buildings are equipped with smoke detectors and extinguishers. For fire safety or extinguisher training, contact Public Safety at 505-566-4444.

## **SEIZURE**

### **If someone is having a seizure:**

- Gently help the person lie down on the floor.
- Move nearby objects away to prevent injury.
- Call 911 and Public Safety at 505-566-4444.
- Ask others to give privacy and clear the area.
- Follow instructions from the emergency dispatcher.

### **Important Safety Notes:**

Seizures can result from various medical conditions. Never place anything in the person's mouth—they are not choking. After the seizure, the individual may be disoriented. Reassure them calmly and allow time to recover. Contact Public Safety with questions on how to respond.

## **BLEEDING**

### **For minor cuts:**

- Gently clean the wound and remove debris.
- Apply a sterile bandage.
- Recommend medical evaluation to prevent infection.

### **For severe bleeding:**

- Call 911 and Public Safety at 505-566-4444.
- Apply firm pressure with a clean cloth or bandage.

- Use protective gloves if available.
- Lay the person down and elevate their legs, if possible.

**Important Safety Notes:**

Do not remove embedded objects—stabilize them and wait for medical personnel. Head and facial wounds may bleed heavily even if minor. Always monitor for signs of shock and seek medical help immediately.

## **MEDICAL EMERGENCY**

**In the event of a medical emergency:**

- Ensure the scene is safe before approaching.
- Check if the person is breathing or responsive.
- Call 911 and Public Safety at 505-566-4444.
- If possible, stay with the person and bring a phone nearby.
- Follow the dispatcher's instructions.
- Ask others to assist in guiding responders or providing aid.

**Important Safety Notes:**

Medical emergencies may include allergic reactions, heart attacks, injuries, or heat-related illnesses. Always call 911 first. If trained, provide first aid or CPR as needed.

## **THEFT**

**If a theft is in progress:**

- Call 911 and Public Safety at 505-566-4444.
- Provide a detailed description of suspects and direction of flight.
- If safe, follow from a distance and give updates to dispatch.

**If the theft has already occurred:**

- Report it to police and Public Safety.
- List stolen items with identifying information.



- Cancel compromised credit cards or checks.

**Important Safety Notes:**

Do not leave valuables unattended. Secure computers and personal items. Lock offices, doors, and vehicles. Report suspicious activity immediately.

## **SUSPICIOUS PERSON**

- Call 911 and Public Safety at 505-566-4444.
- Provide a full description: clothing, height, build, vehicle, direction, etc.
- Take a photo only if it is safe to do so.
- Notify a supervisor to review area safety.

**Important Safety Notes:**

If something or someone seems out of place, it's okay to report it. Suspicious behavior may include loitering, tampering with doors, or observing routines. It's better to report and be wrong than to ignore a potential threat.

## **ACTIVE SHOOTER**

**If you see or hear an active shooter:**

- Escape immediately if safe; alert others as you leave.
- Call 911 and Public Safety at 505-566-4444.
- Provide your location and situation details.

**If escape is not possible:**

- Lock and barricade doors.
- Stay out of sight and remain silent.
- Call 911 with your location; do not open the door.
- Be prepared to defend yourself only as a last resort.

### **Important Safety Notes:**

Active shooter incidents are fast-moving and targeted. Avoid danger, secure your area, and stay informed. Officers will focus on stopping the shooter. Wait for the official "All Clear" before exiting.

## **BOMB THREAT**

### **If received by phone:**

- Stay calm and listen carefully.
- Record the number, voice, and background noises.
- Ask for details: location, appearance, timing, reason.
- Call 911 and Public Safety.

### **If received in writing:**

- Handle the document as little as possible.
- Report to police and Public Safety immediately.
- Follow dispatcher instructions.

### **Important Safety Notes:**

Take all threats seriously. Record all message details. Avoid handling suspicious objects. Fully cooperate with responding authorities.

Department of Public Safety contact list: 566-4444, or 566-3263.

## **CHEMICAL SPILL**

### **For minor spills:**

- Follow your department's cleanup procedures.
- Notify Environmental Health & Safety (EH&S) at 505-566-4083.

### **For major spills or exposure:**

- Evacuate the area; call 911 and Public Safety.
- Use emergency showers if available and safe.

**If a chemical is ingested:**

- Call 911 and Public Safety.
- Contact Poison Control: 1-800-222-1222.

**Important Safety Notes:**

Chemicals carry various risks. Always store and use them as instructed. Know the location of Safety Data Sheets (SDS). Never pour chemicals down drains—contact EH&S for disposal guidance.

## GENERAL EMERGENCY

- Call 911 and Public Safety at 505-566-4444.
- Clearly state: “This is an emergency.”
- Give your exact location and describe the incident.
- Stay on the line and follow instructions.
- Move to a safe location and assist others if possible.

**Important Safety Notes:**

Emergencies can result from natural or man-made events. Keep basic supplies on hand. Know your evacuation routes. Help others when safe. Continuously reassess the situation for new threats.

In addition to the Quick-Flip Guide to Emergencies, the Department of Public Safety publishes campus emergency procedures online at the [Department of Public Safety website](#).

In Chapter 20, Section 05, of the San Juan College Employee Handbook, employees are encouraged to review the campus emergency response procedures on the [Department of Public Safety webpages](#).

Department Directors, or a designee, are highly encouraged to review emergency response procedures, including evacuation routes, with new employees during an employee’s new employee orientation training. Department Directors, or a designee, should also review emergency response procedures with part-time staff, work-studies, interns, or any other individuals who may spend a significant amount of time on campus in a work capacity. The Student Achievement Center conducts new student orientation and reviews emergency response procedures with new students. Faculty are highly encouraged to review emergency response and evacuation procedures with students on the first day of class each semester. Reviewing emergency response and evacuation procedures should include discussing the procedures,

establishing a means of accountability, establishing an Emergency Assembly Point, designating responsibilities to individuals in the event of an emergency (given the consent of the designee), and practicing carrying out the response and/or evacuation procedure. Department of Public Safety personnel are available to provide consultation or training regarding emergency response procedures. To schedule a consultation or training, please call 505.566.3263.



## **Continuity of Operations (COOP) & Response**

Departments and Associations are responsible for developing a Continuity of Operations Plan (COOP) for their respective work areas. A COOP details the steps a department will follow to become operational as soon as possible during the aftermath of an emergency. The Federal Emergency Management Agency (FEMA) defines a COOP as “An effort within individual executive departments and agencies to ensure that Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies.” The ultimate goal of a COOP is the continuity of Essential Functions (EFs) and ensuring that those functions can be continued throughout, or resumed rapidly after, a disruption of normal activities. A COOP is activated in response to a wide range of events or situations – from a fire in the building to a natural disaster to the threat or occurrence of a terrorist attack. Any event that makes it impossible for employees to work, or students to learn, in their regular facility could result in the activation of the COOP.

## **Evacuation Plan**

### **General Evacuation Plan**

Defined exits are located by following green illuminated EXIT signs that have directional arrows pointing to the nearest exit. Exit doors have illuminated green EXIT signs posted over them. Evacuation plans are used to get students, faculty, staff, and guests out of campus buildings through the nearest or, in the event of a blocked exit, the safest exit. All students, staff, faculty, and guests must evacuate the campus building when evacuation procedures have been initiated. Examples of situations that may require a building evacuation include, but are not limited to, a fire, gas leak, suspicious package, bomb threat, illness outbreak, or chemical spill.

### **Building Evacuation**

- All building evacuations will occur when a building alarm sounds and/or upon notification.
- When an alarm or notification is activated during an emergency, leave through the nearest, safe, and marked exit and alert others to do the same.
- Assist people with disabilities in exiting the building. Do not use the elevators.
- Once outside, proceed to an area that should be at least 200 feet away from the affected building. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel.
- Do not return to an evacuated building until told to do so by emergency personnel or a Department of Public Safety representative.

### **To Implement an Evacuation Assembly Points**

- Gather essential personal belongings such as coats and car keys.
- Form small groups and initiate a system of accountability for evacuation.
- Remain calm and evacuate quickly to the nearest safe exit.
- Alert others to assist with evacuation.
- Communicate clearly and succinctly (e.g., “We have a \_\_\_\_\_ type of emergency. Evacuate to \_\_\_\_\_. Take your belongings. Do not use the elevators.”)
- Listen closely and follow instructions given to you by qualified emergency responder personnel.
- Assist any person with disabilities (see section on Evacuation of Persons with Disabilities).
- Check offices, classrooms, and restrooms.
- Turn off equipment, if possible.
- Close doors, but do not lock them.
- Take emergency supplies and rosters, if available.
- Keep existing groups together.
- Instructors assist students.
- Remain on the same side of the building to which you were evacuated, or the area to which you were directed.
- Try not to cross busy roadways, as it may affect responding emergency vehicles.
- Do not reenter the building and remain at your designated emergency assembly point until given the “All Clear” by emergency personnel or a Department of Public Safety representative.

### **Faculty and Staff Responsibilities**

- Remember that in the event of a campus emergency, students and guests are more likely to look to a staff or faculty member for guidance.
- As a group, leave the building immediately, in a calm, orderly manner, using the nearest safe exit available.
- Count the students or guests as they leave the room and then recount them once you reach the designated emergency assembly point.
- For the safety of individuals with disabilities, consider that they may need assistance evacuating and direction to the emergency assembly point. Provide directions as needed.
- Move at least 200 feet away from the building and 500 feet away from certain buildings on campus.
- Account for all students and guests and remain together, keeping them in a group.
- Immediately report any missing students or guests to the Department of Public Safety or the emergency responder on scene.

- Do not move to a different area unless told to do so by qualified emergency response personnel.
- Try not to cross busy roadways, as it may affect responding emergency vehicles.
- Do not reenter the building and remain at your designated emergency assembly point until given the “All Clear” by emergency personnel or a Department of Public Safety representative.

### **Evacuation of Persons with Disabilities**

- 1) If you are unable to leave the building due to a physical disability:
  - Go to the nearest area where there are no hazards.
  - Contact the Department of Public Safety by telephone (505.566.4444) or use other means to advise them of the situation.
  - Be sure to give your room number so that help can be sent to you.
  - If possible, signal out a window to on-site emergency responders.
  - Try to establish a buddy system to have someone ready to assist you.
- 2) To assist visually impaired persons:
  - Announce the type of emergency.
  - Offer your arm for guidance.
  - Tell the person where you are going and obstacles you encounter.
  - When you reach safety, ask if further help is needed.
- 3) To alert people with hearing limitations:
  - Turn lights on/off to gain the person’s attention.
  - Indicate directions with gestures, or
  - Write a note with evacuation directions.
- 4) To evacuate people using crutches, canes, or walkers:
  - Evacuate these individuals as injured persons.
  - Assist and accompany to evacuation site if possible, or
  - Use a sturdy chair (or one with wheels) to move the person, or
  - Help carry the individual.
- 5) To evacuate wheelchair users:
  - Non-ambulatory persons’ needs and preferences vary.
  - Individuals at ground-floor locations may exit without help.
  - Others have minimal ability to move – lifting may be dangerous.
  - Some non-ambulatory persons have respiratory complications.
  - Remove them from smoke and vapors immediately.
  - Wheelchair users with electrical respirators get priority assistance.



- Most wheelchairs are too heavy to take downstairs.
- Consult the person to determine the best carrying options.
- Reunite the person with the chair as soon as it is safe to do so.

### **What Faculty and Staff Need to Know about Emergency Preparedness**

Faculty and staff are authority figures for students, whether directly or indirectly, and can influence how students respond in an emergency. Faculty and staff who are prepared for emergencies will be able to help calm students by being in control and by giving calm and clear directions.

#### **1. Evacuation Routes**

Evacuation routes are posted in hallways and classrooms.

#### **2. Emergency Assembly Points**

After a class leaves the unsafe building or area, it is important for them to go to a predetermined area where each person's presence can be documented. This assembly area will be a designated Emergency Assembly Point where the class will neither interfere with responding emergency services nor place themselves at risk of injury from the emergency.

Accounting for all students can be very difficult, particularly with a large class. However, an attempt should be made. For example, it might be possible for the instructor to wait until all the students have left the room/lab, use the class roster, use a head count, or have students see if the students who were seated nearby are at the assembly point. You must also account for persons with disabilities.

#### **3. Evacuation for persons with Disabilities**

If there is a person with a disability in the class, it is recommended that the instructor knows the person's response plan and who may be assisting him/her. Four options are available to persons with disabilities:

1. Horizontal Evacuation to outside or another building, if available
2. Stairway Evacuation
3. Shelter in place unless danger is imminent
4. Area of Refuge if available
  - Note: Elevators cannot be used during an emergency evacuation

## **Campus Evacuation**

A Campus Evacuation is initiated, as opposed to a General Evacuation, when an entire section of or an entire San Juan College campus, regardless of the location, is deemed unsafe due to a severe emergency in the area. Severe emergencies making an entire campus unsafe may include a mass casualty incident (e.g., active shooter), a major hazardous materials incident, a severe natural disaster, or other catastrophic events or activities. All persons are to immediately vacate the area of campus in question and relocate to another part of the campus grounds or off campus as directed.

### **Personal Responsibilities**

#### **By vehicle:**

- If the road is usable, leave at the main exit, following the directives of emergency responder personnel.
- Allow emergency vehicles the right-of-way and yield to any responding emergency personnel.
- Drive with caution and courtesy, and follow directions.
- Do not block intersections, lanes, or exits.
- If the road is not usable, leave your vehicle by parking it off a roadway and evacuate on foot.

#### **On foot:**

- The best choice, if usable, is to leave by a main exit.
- Stay clear of roadways and any emergency vehicles or responding emergency personnel.
- Proceed to a safe location, as directed.



## All-Hazards Approach

San Juan College, in collaboration with the Farmington Police Department, utilizes an All-Hazards Approach. The All-Hazards Approach consists of three emergency procedures that apply to an entire spectrum of emergency events. One or several of the procedures can be used in the event of a campus emergency.

### Evacuation

An evacuation procedure is implemented when it is not safe to be inside a campus building. Examples of situations that may require an Evacuation include a fire, gas leak, suspicious package, bomb threat, illness outbreak, or chemical spill.

### Procedures

- Plan ahead and practice your evacuation procedures.
- Determine an emergency assembly point. Designate a backup emergency assembly point in the event that the primary emergency assembly point is unsafe.
- Close all doors behind you.
- Do not lock doors.
- Stay at least 200 feet away from the building (500 feet for some campus buildings).
- Stay clear of emergency responders and traffic.
- Have a means of accountability to ensure that everyone can be accounted for.
- Have a means of communication to ensure that you can attempt to contact missing parties.
- Immediately report missing individuals to the Department of Public Safety or the emergency response personnel on scene.
- Be attentive to further instructions and stay together.

## Shelter-in-Place

A Shelter-in-Place order is implemented when a threat to the safety of the campus community is nearby but not imminent or present. Examples of situations that may require a Preventative Lockdown include a SWAT situation in a nearby neighborhood or an armed robbery at a nearby store.

### Procedures

- Individuals on campus who are outside of a building are encouraged to get inside a building.
- Exterior doors are locked.
- Classroom doors are locked.

- Close all windows.
- No one is allowed to go in or out of buildings.
- Operations and classes continue as normal inside buildings, but be attentive to announcements or SUNS alerts.
- Do not respond to bells or fire alarms.
- Departments are encouraged to engage in low-risk activities to ensure their readiness in the event that the Preventative Lockdown goes into Emergency Lockdown. Low-risk activities include activities that do not produce excessive noise, commotion, or movement or that may hinder an individual's ability to recognize an emergency (e.g., individuals on the rock-climbing wall at the Health and Human Performance Center are encouraged to stop climbing, get off the climbing wall and back onto the ground, untie from harnesses, circle up, and practice tying rope knots).
- Remain in a sheltered location until Preventative Lockdown is cancelled or an all clear is given.
- The campus will either terminate Preventative Lockdown, transition to another All-Hazards Approach procedure, or resume Preventative Lockdown for as long as it is safe to do so.

## Emergency Lockdown

- An Emergency Lockdown is implemented when a threat to the safety of the campus community is present or imminent. Examples of procedures that may require an Emergency Lockdown include an active shooter or a mass casualty incident. A mass casualty incident differs from an active shooter event based on the weapon(s) used. Emergency Lockdown procedures are similar to active shooter response procedures.
- The Department of Homeland Security recommends the following procedures in the event of a mass casualty incident and an Emergency Lockdown

### Procedures

Quickly determine the most reasonable way to protect your own life. Remember that students and guests are likely to follow the lead of staff and faculty during a mass casualty incident. Remain in Emergency Lockdown until given the "All-Clear" by responding emergency personnel or a Department of Public Safety representative. Pay attention to your SUNSAlerts.

1. **Evacuate** – If there is an accessible escape path, attempt to evacuate the premises. Be sure to:
  - Have an escape route and plan in mind.
  - Evacuate regardless of whether others agree to follow.
  - Leave your belongings behind.
  - Help others escape, if possible.
  - Prevent individuals from entering an area where the threat may be.

- Keep your hands visible.
  - Follow the instructions of any law enforcement officer.
  - Do not attempt to move wounded people.
  - Call 911 when you are safe.
2. **Hide out** – If evacuation is not possible, find a place to hide where the threat is less likely to find you.
- Your hiding place should:
    - Be out of the threat's view.
    - Provide protection if shots are fired in your direction (e.g., an office with a closed and locked door, behind a thick table).
    - Not trap you or restrict your options for movement
  - Cover windows and doors if possible. Pull down shades.
  - To prevent a threat from entering your hiding place:
    - Lock the door.
    - Blockade the door with heavy furniture.
    - Restrict the door's movement (e.g., wrap a belt around the arm of the door).
  - If the threat is nearby:
    - Lock the door.
    - Silence your cell phone.
    - Turn off any source of noise.
    - Hide behind large items.
    - Remain quiet.
  - If evacuation and hiding are not possible:
    - Remain calm.
    - Dial 911, if possible, to alert police to the threat's location.
    - If you cannot speak, leave the line open and allow the dispatcher to listen.
  - Do not answer the door for anyone.
  - Do not respond to bells or fire alarms.
3. **Act against the threat** – As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the threat by:
- Acting as aggressively as possible against the threat
  - Throwing items and improvising weapons
  - Yelling
  - Committing to your actions

### **How to Respond When Law Enforcement Arrives**

Law enforcement's purpose is to stop the threat as soon as possible. Officers will proceed directly to the area in which the last shots were heard. Officers may wear regular patrol uniforms or external bulletproof vests, Kevlar helmets, and other tactical equipment. Officers may be armed

with rifles, shotguns, or handguns. Officers may use pepper spray or tear gas to control the situation. Officers may shout commands and may push individuals to the ground for their safety. When law enforcement arrives, follow these guidelines:

- Remain calm and follow officers' instructions.
- Put down any items in your hands.
- Immediately raise your hands and spread your fingers.
- Keep your hands visible at all times.
- Avoid making quick movements toward officers, such as holding onto them for safety.
- Avoid pointing, screaming, and/or yelling.
- Follow the directions of officers when exiting the premises.

Provide the following information to law enforcement or a 911 operator:

- Location of the threat.
- Number of threats, if more than one.
- Physical description of the threat.
- Number of and type of weapons used by the threat.
- Number of potential victims.

## **Sexual Harassment and Sexual Misconduct**

San Juan College prohibits sexual misconduct, including sexual violence, dating violence, domestic violence, and stalking; sexual harassment; and any retaliation for making or asserting a claim or complaint for discrimination or harassment based on sex or gender under Title IX and the Violence Against Women Act. San Juan College is committed to providing a campus environment that emphasizes the dignity and worth of all members of the campus community. San Juan College issues this statement of policy to inform the campus community of programs to address sexual assault, sexual harassment, domestic violence, dating violence, and stalking, as well as the procedures for institutional disciplinary action in cases of alleged sexual assault, sexual harassment, domestic violence, dating violence, and stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

## San Juan College Hazing Prevention and Response Policy

San Juan College strictly prohibits all forms of hazing, solicitation to engage in hazing, or participation in hazing-related activities. This policy applies to all students, student organizations, and athletic or co-curricular teams, including but not limited to officially recognized student clubs, organizations, and the Student Government Association.

### Definition of Hazing

San Juan College defines hazing in accordance with New Mexico state law, the Clery Act, and best practices in higher education. Hazing is:

“Any act committed as part of a person’s initiation, admission into, affiliation with, or continued membership in a student organization, group, or team that recklessly or intentionally endangers the mental or physical health or safety of a student, or that causes or is likely to cause embarrassment, harassment, humiliation, degradation, or ridicule—regardless of the person’s willingness to participate.”

### Clarifications:

- The expressed or implied consent of the individual subjected to hazing is not a valid defense under this policy. Participation under pressure, coercion, or social expectation does not absolve those responsible.
- Apathy or passive participation in the presence of hazing is not a neutral act; it may be considered a violation of this policy.
- This definition applies to on- or off-campus incidents and includes acts by individuals or groups.

### Policy Scope

This policy applies to all student behavior and organizational activities, whether on- or off-campus, including:

- College-sponsored events,
- Off-campus retreats,
- Online or digital platforms,
- Third-party facilities used for organizational purposes.

San Juan College will respond to all allegations of hazing regardless of where the incident occurred.

### Obligation to Act

Apathy, silence, or passive presence during a hazing activity constitutes a policy violation. All students and employees are expected to:



- Report hazing immediately.
- Intervene when safe to do so, and
- Support an environment of accountability and safety.

### **Reporting Hazing**

Any individual—student, staff, faculty, or community member—may report suspected hazing. Reports may be made:

- Online using the CSA Crime Reporting Form,
- To the Dean of Students,
- To the San Juan College Department of Public Safety

Anonymous reports are accepted. Retaliation against any individual who reports hazing, participates in an investigation, or serves as a witness is strictly prohibited and will result in disciplinary action.

*Clery Compliance Note:* Because hazing is a federally reportable Clery crime, all reports made to a Campus Security Authority (CSA) must be forwarded promptly to the Department of Public Safety. CSAs include, but are not limited to, officials with significant responsibility for student and campus activities, student housing, student conduct, and campus safety. This ensures hazing incidents are appropriately documented for statistical disclosure and evaluation under Clery requirements.

### **Investigation and Sanctions**

All reported hazing incidents will be reviewed promptly and thoroughly by the Office of the Dean of Students, which is the designated unit responsible for investigating violations of the Student Code of Conduct. The Dean of Students may collaborate with other departments as necessary.

The investigative process may include:

- Interviews with the complainant, witnesses, and involved parties;
- Review of physical evidence, digital communications, and video footage (if available);
- Assessment of the organization's activities and leadership structure;
- Evaluation of prior conduct history and pattern behavior.

Upon conclusion of the investigation, the findings will be documented in a formal report. If sufficient evidence of hazing is found, the case will proceed through the student disciplinary process, which may include:

- Administrative hearings,
- Imposition of sanctions,
- Notification of law enforcement if criminal activity is involved.

Students or student organizations found responsible for engaging in, facilitating, or failing to prevent hazing are subject to:

- Immediate suspension or expulsion,
- Revocation of club/organization recognition,
- Loss of privileges,
- Other sanctions as deemed appropriate by the College.

*Timely Warning and Emergency Notification:* In accordance with the Clery Act, San Juan College will evaluate each reported hazing incident to determine whether it represents a serious or continuing threat to the campus community. If so, the College will issue a timely warning or emergency notification to protect the safety of students, faculty, staff, and visitors.

### **Education and Prevention**

San Juan College is committed to preventing hazing through:

- Mandatory training for student leaders and organization advisors,
- Awareness campaigns and educational outreach,
- Inclusion of hazing prevention in new student orientation,
- Annual assessment of policies and procedures.

### **Compliance and Transparency**

As required by law, San Juan College will:

- Track and document all reported hazing incidents.
- Disclose hazing-related disciplinary outcomes in accordance with the Clery Act.
- Include hazing data in the College's Annual Security Report, and
- Ensure that prevention materials and reporting tools are Web Content Accessibility Guidelines (WCAG) 2.1 accessible.
- Ensure Campus Security Authorities (CSAs) are trained annually on their duty to report hazing and other Clery-reportable crimes.

### **Initial Title IX Written Information**

When a student or employee reports to San Juan College that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options. Reporting parties will receive the following standard form:

## TITLE IX

San Juan College is committed to maintaining a positive learning and working environment, as well as other benefits, programs, and activities free from discrimination based on protective characteristics, harassment, and retaliation for engaging in protected activity.

To ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities, Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment, and Section 304 of the Violence Against Women Reauthorization Act of 2013 (also known as the Campus Sexual Violence Elimination Act (SaVE Act)).

San Juan College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of gender/sex-based discrimination or harassment, and for allegations of retaliation.

### Contact Information for Title IX Coordinator:

Stacey Allen, Compliance Officer for Human Resources  
Educational Services Center Building, 2<sup>nd</sup> Floor  
Human Resources, Room 4243  
505 566 3515; [allens@sanjuancollege.edu](mailto:allens@sanjuancollege.edu)



## CHAPTER 14: NON-DISCRIMINATION, SEXUAL HARASSMENT, AND HARASSMENT POLICY

### 14.00 Non-Discrimination and Equal Opportunity Statement

San Juan College is committed to providing equal employment and educational opportunities without regard to race, color, religion, sex, national origin, disability, age, genetic information, veteran status, or on the basis of any other category protected under federal, state, and local laws.

This dedication extends to recruitment, employment, compensation, benefits, transfers, separations, returns, institutionally sponsored education, training, tuition assistance, social and recreational programs, staff development opportunities, and advancement. The College is committed to ongoing support that promotes equal opportunity, inclusion, and non-discrimination efforts for its faculty, staff, students, contractors, and visitors. The programs will require the personal dedication of every member of the college community to implement the commitments of the institution.

## 14.01 Definitions

**a. Advisor:** A person chosen by a party or appointed by San Juan College, who may accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.

**b. Administrator:** The person with primary responsibility for overseeing and enforcing the Equal Opportunity, Harassment, and Non-Discrimination Policy and Procedures. As used in these policies and procedures, the “Administrator” also includes their designee(s).

**c. Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs resolution accordingly.

**d. CBA:** The Collective Bargaining Agreement entered into between San Juan College and San Juan College Education Association as may be amended or modified.

**e. Complainant:** An individual who is alleged to have been the subject of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity, or other prohibited conduct under this policy.

**f. Confidential Resource:** An employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

**g. Day:** Unless otherwise specified, business day(s) refers to a workday as defined by the San Juan College work calendar. For the avoidance of doubt, this term does not include Saturday, Sunday, legal holidays, or a day or period when the College is closed (i.e., winter break).

**h. Decision-maker:** A person or panel having decision-making authority within the San Juan College’s Formal Grievance process.

**i. Directly Related Evidence:** Evidence connected to the allegations, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation)

and will not be relied upon by the Decision-maker. Compare to relevant evidence below.

**j. Education program or activity:** Locations, events, or circumstances where San Juan College exercises substantial control over both the Respondent and the context in which the discrimination, harassment, retaliation, and/or prohibit conduct occurs and also includes any building owned or controlled by a student organization that is officially recognized by San Juan College.

**k. Employee:** A person employed by the College either full- or part-time, including student employees when acting within the scope of their employment.

**l. Final Determination:** A conclusion by the preponderance of evidence standard of proof that the alleged conduct did or did not violate policy.

**m. Finding:** A conclusion by the preponderance of evidence standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).

**n. Formal Complaint:** A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity against a Respondent, and/or prohibited conduct under this policy and requesting that the San Juan College investigate the allegation.

**o. Formal Grievance Process:** “Process A,” a method of formal resolution designated by the San Juan College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45) and the Violence Against Women Act § 304.

**p. Formal Grievance Process Pool (or “Pool”)** includes any investigators, hearing officers, appeal officers, and advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

**q. Hearing:** An initial formal gathering and educational opportunity for complainants and respondents to voice their version of involvement of reported incidents, hear and question the findings of the investigation, present witnesses, and be supported by advisors before a hearing body, which may consist of faculty, staff, and/or students. A hearing may be a student conduct hearing, a Title IX hearing, or an appeal hearing. Prior to hearings, complainant and respondent will receive notice of the date, time and location of hearings. Additionally, reporting party, complainant, and respondent are notified of the final outcomes of hearings.

**r. Hearing Body:** Any person or persons authorized by the Vice President for Student Services or appropriate Vice President to hear misconduct cases, consider the provided

information, and recommend an appropriate outcome, which may include recommending or imposing sanctions. A hearing body may be referred to as a board or committee.

**s. Informal Resolution:** A resolution agreed to by the Parties and approved by the EEO Officer/Title IX/Section 504 Coordinator Administrator that occurs prior to a Final Determination being reached.

**t. Investigation Report:** The Investigator's summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.

**u. Investigator:** The person or persons charged by San Juan College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report of relevant evidence and a file of directly related evidence.

**v. Mandated Reporter:** An employee of San Juan College who has the duty to share knowledge, notice, and/or reports of harassment, discrimination, retaliation, and/or prohibited conduct with the Title IX Coordinator and/or their supervisor. Mandated Reporters include all employees, except those with the designation of Confidential Resource (Health Center and College Counselors).

**w. Non-Discrimination Team:** The Title IX Coordinator, any deputy coordinators, and any member of the Formal Grievance Process Pool.

**x. Notice:** When an employee, student, or third party informs the Title IX Coordinator or other official with authority of the alleged occurrence of discriminatory, harassing, retaliatory, and/or other prohibited conduct.

**y. Official with Authority (OWA):** An employee of San Juan College who has the responsibility to implement corrective measures for discrimination, harassment, retaliation, and/or Other Prohibited Conduct on behalf of the College.

**z. Parties** include the Complainant(s) and Respondent(s), collectively.

**aa. Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.

**bb. Protected Characteristic:** Any characteristic for which a person is afforded protection against discrimination and harassment by law or College Policy.

**cc. Relevant Evidence:** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, retaliation, or other prohibited conduct occurred, or in

determining the credibility of the Parties or witnesses.

**dd. Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to San Juan College's educational program.

**ee. Resolution:** The result of an informal resolution, formal grievance process, or administrative process.

**ff. Respondent:** An individual or organization who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity, or other prohibited conduct.

**gg. Sanction:** A consequence imposed by San Juan College on a Respondent who is found to have violated this policy.

**hh. Standard of Proof:** The standard by which it is determined whether or not a violation of this Policy occurred.

**ii. Student:** includes any person admitted and/or enrolled at San Juan College, whether full-time, part-time, concurrent, on campus, abroad, online, or any other form of enrollment. Persons not officially enrolled for a particular semester, but who are eligible to enroll or who have a continuing relationship with San Juan College may be considered students.

**jj. Student organization or student group:** Any number of students who have complied with the formal requirements for College recognition/registration.

**kk. Title IX Coordinator:** At least one official designated by San Juan College to ensure compliance with Title IX and San Juan College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

**II. Title IX Team** refers to the Title IX Coordinator, any deputy coordinators, and any member of the Formal Grievance Process Pool.

## 14.02 Purpose

San Juan College is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

San Juan College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations and affirm its commitment to promoting the goals of fairness in all aspects of the education program or activity, San Juan College has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment, or retaliation.

### **14.03 Sex-Based Discrimination Notice and Policies**

#### **1. Title IX Notice:**

San Juan College does not discriminate on the basis of sex in its programs and activities and provides equal educational access. Complaints or notices of alleged policy violations, or inquiries regarding this policy and procedures, are made to the following person:

The Compliance Officer of Human Resources has been designated as the Equal Employment and Opportunity Officer, Title IX and Section 504/Title II Coordinator (“EEO/Title IX/Section 504 Coordinator”) for San Juan College. This position oversees disability compliance, the San Juan College’s policy on Non-Discrimination, Sexual Harassment, and Harassment. The Title IX Coordinator has the primary responsibility for coordinating San Juan College’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The office is located on the Main Campus in the Educational Services Building, second floor, Room 4236. The EEO/Title IX/Section 504 Coordinator can be reached directly at the following telephone number: (505) 566-3515 or [allens@sanjuancollege.edu](mailto:allens@sanjuancollege.edu).

All employees are designated as Responsible Employees who are mandated to report any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Denver Office  
Office for Civil Rights  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Telephone: 303-844-5695  
FAX: 303-844-4303; TDD: 800-877-8339



Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov); Web: <https://www.hhs.gov/ocr/about-us/index.html>

## **2. Purpose of Policy:**

San Juan College is committed to maintaining a positive learning and working environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities, Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment, and Section 304 of the Violence Against Women Reauthorization Act of 2013 (also known as the Campus Sexual Violence Elimination Act (SaVE Act)). San Juan College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex-based discrimination or harassment, and for allegations of retaliation.

## **3. Jurisdiction:**

San Juan College has jurisdiction over and will respond to conduct occurring on the College's premises, affiliated employment, education program and activities, and/or where the Complainant and/or Respondent is a student, faculty, staff, or agent of the San Juan College. San Juan College does not have jurisdiction over allegations between visitors or guests. San Juan College reserves the option to extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial San Juan College interest. A substantial College interest includes any criminal offenses as defined by law, respondent is determined to be posing an immediate threat to the physical health or safety of any student or other individual, any situation significantly impinges upon the rights, property, or achievement of oneself or others or significantly breaches the peace and/or causes social disorder and/or any situation that is detrimental to the educational interests or mission of the College.

When assessing Title IX applicability to on and off-campus behavior will require a two-prong test:

- a. Is the respondent a member of the San Juan College community (subject to our rules) at the time of the formal complaint; and
- b. Does San Juan College have control over the context of the conduct (did the misconduct occur on our property, in our programs, on land we lease or control, or at events we sponsor or student organizations we officially recognize)?

When the Respondent is not a member of the San Juan College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers or to the policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

#### **4. Applicable Scope:**

This policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in the College's program or activities, including education and employment.

In the event of a conflict between this Policy and the Collective Bargaining Agreement (CBA), the provisions of the CBA will prevail.

The core purpose of this policy is the prohibition of all forms of discrimination on the basis of the protected characteristic(s), and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this policy.

Sometimes, discrimination involves exclusion from or different treatment in activities, such as admissions or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this non-discrimination policy is reported, the allegations are subject to resolution using San Juan College's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

## 5. Notice/Complaints of Discrimination, Harassment, and/or Retaliation:

Notice or formal complaints of discrimination, harassment, and/or retaliation may be made at any time (including during non-business hours) by using the telephone number or mail address, or by mail to the office address, listed for the Non-Discrimination Team below:

- 1) File a complaint with, or give verbal notice to, the Title IX Coordinator or a member of the Non-Discrimination Team.
- 2) **Report online, using the [Online Reporting Form](#).** Anonymous reports are accepted but can give rise to a need to investigate. The College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.
- 3) **Supervisor (or faculty member in the academic setting):** If anyone in a supervisory, managerial, administrative or executive role or position, such as a supervisor, dean, department chair, or director of a unit, receives a complaint of alleged discrimination or sexual harassment, or observes or becomes aware of conduct that may constitute discrimination or sexual harassment, the supervisor (or faculty in academic setting) must immediately contact the EEO/Title IX/Section 504 Coordinator.

A formal complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the College investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

**A. Non-Discrimination Team Contacts:**

San Juan College has appointed the Nondiscrimination Team, comprised of the following individual(s), to coordinate the College's compliance with federal, state, and local civil rights laws and ordinances:

**For discrimination and harassment allegations [including based on sex (Title IX) or disability]:** Stacey Allen

Compliance Officer and Equal Employment and Opportunity Officer, Title IX and Section 504/Title II Coordinator ("EEO Officer/Title IX/Section 504 Coordinator")

Human Resources

Main Campus, Educational Services Building, Second Floor, Room 4236

4601 College Boulevard, Farmington, NM 87402

505-566-3515

[TitleIX@sanjuancollege.edu](mailto:TitleIX@sanjuancollege.edu)

<https://www.sanjuancollege.edu/about/consumer-info/title-ix/>

***For Employee discrimination and harassment investigations [including based on sex or disability]:***

Employee Relations and designated as Title IX Investigator

Human Resources

Main Campus, Educational Services Building, Second Floor, Room 4237

4601 College Boulevard, Farmington, NM 87402

505-566-4413

***For Student discrimination and harassment investigations [including based on sex (Title IX) or disability]:***

Dean of Students and designated Title IX Deputy and Investigator

Student Services

Main Campus, Educational Services Building, First Floor, Room 4122

4601 College Boulevard, Farmington, NM 87402

505-566-3170

***For Student requests for disability adjustment/aids/accommodations:***

Accessibility Coordinator

505-566-3271

[Accessibilityservices@sanjuancollege.edu](mailto:Accessibilityservices@sanjuancollege.edu)

<https://www.sanjuancollege.edu/support/accessibility-services/>

Collectively, these individuals are responsible for providing comprehensive non-discrimination education and training; coordinating San Juan College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this policy; and monitoring the effectiveness of this policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

San Juan College recognizes that allegations under this policy may include multiple forms of discrimination and harassment as well as violations of other San Juan College policies; may involve various combinations of students, employees, and other members of the San Juan College community; and may require the simultaneous attention of multiple San Juan College departments. Accordingly, all San Juan College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable San Juan College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

**B. External Contact Information:**

Student concerns about San Juan College's application of this policy and compliance with certain federal civil rights laws may also be addressed to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
Denver Office Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Phone: 303-844-5695  
Fax: 303-844-4303  
TDD: 800-877-8339  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Fax: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <https://www.hhs.gov/ocr/index.html>

Fair Housing and Equal Opportunity (FHEO)  
U.S. Dept. of Housing and Urban Development  
Albuquerque Field Office  
500 Gold Ave. SW, 7th Floor, Suite 7301  
Post Office Box 906  
Albuquerque, New Mexico 87103  
**Phone:** (505) 346-6463  
**TTY:** Dial 7-1-1 (Not available in all areas)  
**Fax:** (202) 485-9175  
**Web:** [https://www.hud.gov/states/new\\_mexico](https://www.hud.gov/states/new_mexico)

Employee concerns about San Juan College's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Albuquerque Area Office  
U.S. Equal Employment Opportunity Commission  
500 Gold Avenue S.W., Suite 6401  
PO Box 128  
Albuquerque, NM 87103  
Phone: 1-800-669-4000  
Fax: 505-248-5233;  
TTY: 1-800-669-6820, ASL Video: 844-234-5122  
Web: [Equal Employment Opportunity Commission](#)

## 6. Supportive Measures:

San Juan College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, retaliation, and/or other prohibited conduct.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are to restore or preserve equal access to San Juan College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a formal complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The

Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

San Juan College will maintain the privacy of the supportive measures, provided that such privacy does not impair the College's ability to provide these measures. San Juan College will act to ensure as minimal an academic/occupational impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

At the conclusion of the grievance process, the College may make supportive measures ongoing as remedies unless formally rescinded. Remedies can be disciplinary or punitive and need not avoid burdening the Respondent.

## **7. Emergency Removal:**

San Juan College can act to remove a student Respondent accused of sexual harassment entirely or partially from its educational program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with the Behavioral Intervention Team using the standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The Title IX Coordinator will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a



student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, or student organizational leadership.

Where the Respondent is an employee, existing provisions for action under the San Juan Employee Handbook may be applicable.

## **8. Time Limits on Reporting/Promptness:**

### **A. Time Limits on Reporting**

There is no time limitation on providing notice/formal complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible. Acting on notice/formal complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

### **B. Promptness**

All allegations are acted upon promptly by San Juan College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control. Any time the general timeframes for resolution outlined in San Juan College procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **9. Privacy:**

Every effort is made by the College to preserve the privacy of reports. San Juan College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, retaliation, or other prohibited conduct; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

San Juan College reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

San Juan College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

#### **10. Online Harassment and Misconduct:**

The policies of San Juan College prohibit online manifestations of any of the behaviors listed below, when those behaviors occur in the College's education program and activities or use College networks, technology, or equipment.

San Juan College may not control websites, social media, and other venues in which harassing communications are made. If such communications are reported to the College, it will review the communication to determine whether the communication may be actionable under this policy. Any online posting or other electronic communication by students, including cyber-bullying, cyber- stalking, cyberharassment, etc., occurring completely outside of San Juan College's control (e.g., not on San Juan College networks, websites, or between San Juan College email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others. This policy is not intended to restrict freedoms of speech. In cases of alleged harassment or discrimination, the protections of the First Amendment must be considered if issues of speech or expression are involved.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

#### **14.04 Non-Discrimination Policy**

1. San Juan College is dedicated to providing a place of work and learning that is free from discrimination and harassment on the basis of a person's race, color, religion, sex, national origin, disability, age, genetic information, veteran's status, or on the basis of any other category protected under federal, state, and local laws. Where a violation of policy is found to have occurred, San Juan College will act to stop the conduct, to prevent its recurrence, to remedy its effects, and to discipline those responsible in accordance with the San Juan College Employee Handbook and/or San Juan College Student Code of Conduct.
2. No employee or student at San Juan College should be subjected to discrimination in the workplace or in an academic setting, including being subjected to inappropriate

conduct. Even one incident may constitute a violation of policy and can be the basis for asserting a complaint. It is expected that students, faculty and staff will treat one another and campus visitors with respect.

3. It is against San Juan College policy to discriminate in any aspect of employment or education, which includes, but is not limited to the following:
  - a. Recruitment for employment at San Juan College;
  - b. Employment and accommodation in the workplace;
  - c. Compensation;
  - d. Benefits and retirement benefits;
  - e. Transfers;
  - f. separations and returns to work;
  - g. Institutionally sponsored education and training;
  - h. Tuition assistance;
  - i. Social and recreational programs;
  - j. Staff development and career advancement;
  - k. Admission and class registration;
  - l. Testing;
  - m. Grading;
  - n. Facility and equipment use;
  - o. Housing;
  - p. Academic accommodations;
  - q. Financial aid/scholarships;
  - r. Any other terms and conditions of employment;
  - s. Any other academic programs, terms, and conditions.
4. The determination of what constitutes discrimination under this policy will be done on a case-by-case basis and depending upon the specific facts and the context in which the conduct occurs. Some conduct may be offensive, inappropriate, unprofessional, and/or subject to disciplinary action, but would not constitute discrimination under the law. The specific action taken, if any, relating to a particular instance depends on the nature and the seriousness of the conduct that is reported.
5. Discriminatory practices include, but are not limited to:
  - a. Discrimination or harassment on the basis of a person's race, color, religion, sex, national origin, disability, age, genetic information, veteran status, or on the basis of any other category protected under federal, state, or local laws.
  - b. Retaliation against an individual for engaging in a protected activity such as filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;

- c. Use of electronic mail or computer dissemination of offensive material relating to protected categories;
- d. Denying or interfering with an employee's or student's authorized reasonable accommodation based on disability or religion;
- e. Employment or education decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals based on a person's race, color, religion, sex, national origin, disability, age, genetic information, veteran's status or on the basis of any other category protected under federal, state or local laws; and
- f. Conduct that has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive environment in which to work or learn.

#### **14.05 Disability Discrimination and Accommodation**

1. San Juan College is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.
2. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.
3. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.
4. The Compliance Officer of Human Resources has been designated as the Equal Employment and Opportunity Officer, Title IX and Section 504/Title II Coordinator ("EEO/Title IX/Section 504 Coordinator") is the San Juan College's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.
5. Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations in the San Juan College's resolution process, contact the Title IX Coordinator at [allens@sanjuancollege.edu](mailto:allens@sanjuancollege.edu) or (505) 566- 3515.

## A. Students with Disabilities

1. All faculty, staff, and employees at San Juan College are required to comply with federal regulations regarding reasonable accommodations for students with disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act as amended (ADAAA, 2008).
2. Faculty, staff, and employees must comply with requests for reasonable accommodations and requests. However, there is an exception to this obligation as Federal law does not require the College to make an accommodation that fundamentally alters an essential required element of a course or program. The burden of showing fundamental alteration or essential requirement is on the College.
3. All requests for accommodation will be reviewed and approved by the Accessibility Services Coordinator after meeting with the student and with consultation, when appropriate, with the faculty or program chairs, deans, and the Vice President of Learning. Faculty members can object to an accommodation issued by the Coordinator, which will result in separate meetings with the faculty member and the student on possible alternative accommodations. Faculty objections should only be in exceptional circumstances. Faculty, staff, and employees with questions or concerns about the details of an accommodation should contact the Accessibility Services Coordinator.
4. Faculty, staff, and employees must treat information regarding a student's disability and/or requests for accommodation as confidential. To ensure consistency in following federal guidelines, all requests for accommodations from students with documented disabilities must be reviewed and approved by the Accessibility Services Coordinator. Notices of accommodation will be sent out each semester to each affected faculty member.
5. Faculty should include the following statement on each course syllabus:  
  
*Students with documented disabilities who may need academic adjustments or auxiliary aids or services for this course are required to register with the Accessibility Services Coordinator. The Coordinator can be reached at (505) 566-3271 or by email at [accessibilityservices@sanjuancollege.edu](mailto:accessibilityservices@sanjuancollege.edu).*
6. Faculty are also required to comply with federal laws prohibiting discrimination on the basis of a student's disability.
7. Questions or concerns regarding behaviors that may be considered discriminatory should be directed to the Accessibility Services Coordinator, the EEO/Title IX/Section

504 Coordinator or to the Vice President for Student Services who can be reached at (505) 566-3318. All complaints regarding discrimination regarding reasonable accommodations including, but not limited to, those asserting the denials of an accommodation as disability discrimination as well as for harassment or retaliation against a student arising from the accommodation process for students with disabilities will be investigated subject to the provisions of Policy as set forth in the section titled "Complaints, Investigation, Determinations."

8. San Juan College's policies and procedures do not limit or supplant statutory protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims remain unchanged, including the time frames for filing such claims.

## **B. Employees with Disabilities**

1. The College complies with federal and state requirements that extend civil-rights protection to persons with disabilities and prohibit employment discrimination on the basis of disability. This policy is located in Chapter 4 of the Employee Handbook.
2. San Juan College will endeavor to make reasonable accommodations for qualified individuals with known or considered disabilities unless doing so would result in an undue hardship. An employee with a disability is responsible for submitting a request for an accommodation to the ADA/504 Coordinator and providing necessary documentation. The ADA/504 Coordinator will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with San Juan College's applicable policies.

For details relating to disability accommodations in the San Juan College's Resolution Process, see *"Accommodations and Support During the Resolution Process"* of this policy or contact the Title IX Coordinator at [TitleIX@sanjuancollege.edu](mailto:TitleIX@sanjuancollege.edu) or (505) 566-3515.

## **14.06 Prohibited Conduct**

Students and employees are entitled to an educational and employment environment that is free of discrimination, harassment, and retaliation. This Policy is not intended to inhibit or prohibit educational content or discussions, inside or outside the classroom, that include germane, but potentially controversial or sensitive, subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under College Policy. When speech or

conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of College policy, though supportive measures may be offered to those impacted.

All offense definitions encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. It may include target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions accordingly.

Violation of any other College policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

## **14.07 Discrimination**

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic.

Discrimination also includes allegations of failure to provide reasonable accommodations as required by law or policy, such as those related to disability, religion, or creed.

Discrimination can take two primary forms:

### **A. Disparate Treatment Discrimination:**

Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that excludes a person from participation in, denies the person benefits of, or otherwise adversely affects a term or condition of a person's participation in a program or activity of the College.

### **B. Disparate Impact Discrimination:**

Disparate impact occurs when policies or practices that appear to be neutral, unintentionally result in a disproportionate impact on a protected group or person that excludes a person from participation in, denies the person benefits of, or otherwise adversely affects a term or condition of a person's participation in a program or activity of the College.

## 14.08 Discriminatory Harassment Policy

Discriminatory Harassment is unwelcome statements or conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances, is subjectively and objectively offensive, and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's educational program or work environment. Discrimination harassment is neither a legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of this institution, the tradition of intellectual freedom, and the trust placed in the institution by its members.

## 14.09 Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New Mexico regard Sexual Harassment as an unlawful discriminatory practice.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, of those involved.

San Juan College has adopted the following definitions of Sexual Harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

**A. Title VII /FHA Sexual Harassment** applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential complainant in College-provided housing.

Unwelcome verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive on the basis of sex, that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

**B. Title IX Sexual Harassment**, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual Harassment includes:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:



**1) Quid Pro Quo:**

- a) An employee of the College, conditions<sup>1</sup> the provision of an aid, benefit, or service of the College, on an individual's participation in unwelcome sexual conduct.

**2) Sexual Harassment (Hostile Environment:**

- a) Unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the College's education program or activity.<sup>2</sup>

**3) Sexual assault, defined as:**

- a) **Sex Offenses, Forcible:** Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**1) Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, define as Statutory Rape.

**2) Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

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<sup>1</sup> Implicitly or explicitly.

<sup>2</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**b) Sex Offenses, Non-forcible:**

**1) Non-forcible sexual intercourse**, with a person who is under the statutory age of consent in the state of New Mexico.

**4) Dating Violence**, defined as:

- a) Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant'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.
- b) For the purposes of this definition—
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii. Dating violence does not include acts covered under the definition of domestic violence.

**5) Domestic Violence**, defined as:

- a) Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Mexico, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Mexico.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**6) Stalking**, defined as:

- a) Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.
- b) For the purposes of this definition:
  - i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## 7) **Consent**

As used in the offenses above, the following definitions and understandings apply: Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication about one's intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear his or her willingness to continue at each progression of the sexual interaction.

Consent cannot be obtained by any of the following means:

- a) Coercion, which is unreasonable pressure for sexual activity including, but not limited to, ignoring the verbal or physical objections of another person (e.g., a person repeatedly saying "no" or "stop" or pushing the other person away); Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.
- b) Force, which is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, or intimidation (i.e., implied threats) and/or coercion that overcome resistance or produce consent;
- c) Causing another's incapacitation through the use of drugs or alcohol or other

means, resulting in mental or physical incapacitation; or

d) Taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

a. Sexual activity will be considered "without consent" if no clear act or statement is given. Consent may not be inferred from silence, passivity, or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity and can be revoked at any time. Moreover, consent to sex does not mean consent to filming or taking pictures. Additionally, consent to sending a person pictures does not consent to share them with others. It is the responsibility of the person initiating the sexual activity to obtain consent from his or her partner.

## **8) Incapacitation**

Incapacitation is any condition in which someone cannot make rational, reasonable decisions and therefore lacks the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual activity). A person may be unable to consent when they are mentally or physically incapacitated due to the influence of alcohol, drugs, or medication, and/or when they are asleep or involuntarily physically restrained.

A person is incapacitated and cannot consent to sexual activity if:

- a) The person is unconscious or otherwise unable to resist;
- b) The person is unaware that sexual activity is occurring; or
- c) The person does not have the legal capacity to consent. Persons under the age of eighteen (18) are not legally able to consent to engage in any form of sexual activity in New Mexico and are considered to be minors.

Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. The EEO/Title IX/Section 504 Coordinator's investigation will examine the record for other behavior including, but limited to, stumbling or otherwise exhibiting loss of equilibrium; slurred speech or word confusion; bloodshot, glassy or unfocused eyes; vomiting, especially repeatedly; being disoriented, or confused as to time, place, etc.; and/or loss of consciousness.

Should the preponderance of the evidence in the record demonstrate that one or more such behaviors were objectively apparent at the time the alleged unconsented-to- or unwelcomed sexual activity occurred, then the evidence may demonstrate that the responding party respondent knew or should have known that the reporting party complainant was incapable of giving meaningful consent to sexual activity due to intoxication.

Sexual Harassment may also include any definition of the above terms that is set forth in the statutes or regulations of the State of New Mexico.

#### **14.10 Sexual Misconduct (Includes any violations under state and federal laws)**

**1) Sexual Exploitation:** An individual taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above for their own benefit or for the benefit of anyone other than the person being exploited.

#### **14.11 Other Prohibited Conduct**

**1) Bullying:** Repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant.

**2) Endangerment:** Threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person or damages their property.

**3) Hazing:** Any act or action that does or is likely to endanger any individual's mental or physical health or safety as it relates to an individual's initiation, admission into, or affiliation with any San Juan College group or organization.

**4) Retaliation:** Adverse action, including intimidation, threats, or coercion against any person, by San Juan College, a student, employee, or a person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation, proceeding, or hearing under this Policy, or in any other appropriate steps taken by the College to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution

under the Equal Opportunity, Harassment, and Non-Discrimination Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

**5) Unauthorized Disclosure:** Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the College; or publicly disclosing a party's personally identifiable information without authorization or consent.

**6) Failure to Comply/Process Interference**

(a) Intentional failure to comply with

1. the reasonable directives of the EEO Officer/Title IX/Section 504 Coordinator in the performance of their official duties, including with the terms of a no-contact order
2. emergency removal or interim suspension terms
3. sanctions
4. mandated reporting duties as defined in this Policy

(b) Intentional failure to adhere to the terms of an agreement achieved through informal resolution

(c) Intentional interference with the Title IX resolution process, including but not limited to:

1. Destruction of or concealing of evidence
2. Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
3. Intimidating or bribing a witness or party

**14.12 Anti-Retaliation Policy**

1. Retaliation against an individual who in good faith complains of alleged discrimination or sexual harassment or provides information in an investigation about behavior that may violate this policy is prohibited and may be grounds for discipline. Retaliation in violation of this policy may result in discipline up to and including termination and/or expulsion. Any employee or student bringing a discrimination or sexual harassment complaint in good faith or assisting in the investigation of such a complaint will not

be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint.

2. "Retaliation" may include, but is not limited to, such conduct or adverse actions as:
  - a. Adverse direct or indirect action taken to keep someone from opposing a discriminatory practice, or from prosecuting or participating in a discrimination proceeding;
  - b. Threats, unjustified negative evaluations, unjustified negative references, or increased surveillance;
  - c. Action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights;
  - d. An unfair or unjustified grade; or
  - e. Using a third person to engage in the improper retaliatory conduct.
3. Isolated negative comments in an otherwise positive or neutral evaluation or negative comments regarding an employee's or student's poor work/academic performance or history is not considered adverse direct action under this policy if such comments are factually justified and are otherwise not made for the purpose of retaliating against the employee or student for having made a complaint or having provided information regarding a potential violation of San Juan College policy.
4. Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, San Juan College vets all complaints carefully to ensure this does not happen, and to ensure that complaints are tracked to the appropriate process.
5. The exercise of rights protected under the First Amendment does not constitute retaliation.
6. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

### **14.13 Mandated Reporting**

All College employees (faculty, staff, & administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

While San Juan College has a Department of Public Safety, crimes that occur on campus are referred to the Farmington Police Department or the law enforcement agency where the College activity occurs. San Juan College will investigate and respond to claims under College policy, but the College does not have authority to enforce criminal statutes.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain mindful of the victim's wellbeing, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The following sections describe the reporting options at the College for a Complainant or third-party (including parents/guardians when appropriate):

#### **A. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

##### **1) On-campus (if available)**

- Licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus Victim Advocates



2) Off-campus (non-employees):

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

**B. Anonymous Notice to Responsible Employee (Mandated Reporters)**

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the College's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

### **C. Mandated Reporters and Formal Notice/Complaints**

All employees of the College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment. Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants may want to carefully consider whether they share personally identifiable details with nonconfidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at public events such as marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College.

### **D. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community. In limited circumstances, Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by College, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **E. Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the College must issue timely warnings for incidents

reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

San Juan College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

#### **F. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

#### **G. Amnesty for Complainants and Witnesses**

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, San Juan College maintains a policy of offering parties and witnesses amnesty from minor policy violations, such as underage consumption of alcohol or the use of illicit drugs, related to the incident.

Amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant. However, the College can determine that the violation was egregious, including an action that places the health or safety of any other person at risk. Students and Employees should also understand that any violation of state or federal criminal law

involving the use and/or possession of alcohol or illegal drugs may result in prosecution, and San Juan College cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecutions are made by the San Juan County Attorney's Office in the state criminal justice system and by the U.S. Attorney's Office in the federal criminal justice system.

## H. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA-based crimes,<sup>3</sup> which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with campus Department of Public Safety regarding the type of incident and its general location (on or off campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, campus public safety, local police, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

**1) Inquiries concerning the application of the Campus SaVE Act may contact any of the following:** The San Juan College EEO/Title IX/Section 504 Coordinator or the Associate Vice-President of Human Resources at San Juan College; the San Juan College Director of Public Safety, Room 1100, Phone (505) 566-3050, [hibnerk@sanjuancollege.edu](mailto:hibnerk@sanjuancollege.edu); Dean of

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<sup>3</sup> VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

Students, Room 4120, Phone (505) 566- 3318, [benallyy@sanjuancollege.edu](mailto:benallyy@sanjuancollege.edu). Inquiries may also be made to the Office for Civil Rights, [United States Department of Education Website](https://www.ed.gov/office-for-civil-rights).

## **14.14 Resolution Process- Sexual Harassment**

San Juan College will act on any formal or informal notice/complaint of sexual harassment that is received by the Title IX Coordinator or any other Official with Authority by applying the following procedures, known as “Process A.”

If a dismissal occurs under “Process A”, the complaint may be referred to “Process B” below.

### **Process “A”**

#### **(1) Notice/Complaint**

Upon receipt of notice or a formal complaint of an alleged policy violation, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps for the College.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering and coordinating supportive measures for the complainant and respondent because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process, including an investigation and a hearing (upon submission of a formal complaint).

San Juan College uses the Formal Grievance Process to determine whether or not the Policy has been violated.

#### **(2) Initial Assessment**

Following receipt of notice or a formal complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within five business days. If circumstances require, the Executive President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties. The steps in an initial assessment can include:

If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint and will assist them to do so, if desired.

- a) If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements it accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
- b) If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution. An informal resolution is not suitable for a complaint by a student against an employee.
- c) If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
  - (i) If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate concern, based on the nature of the complaint.
  - (ii) If it does not, the Title IX Coordinator determines that Title IX does not apply, the Title IX Coordinator will “dismiss” that aspect of the complaint and refer the matter for resolution under Process B.
- i. The Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted as part of the initial assessment.
- ii. Dismissal. Pursuant to 34 CFR §106.45, San Juan College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
  - The conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined above, even if proved; and/or
  - The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent; and/or
  - The conduct did not occur against a person in the United States; and/or

- At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the College. Based on the available information, the Title IX Coordinator has determined there's no need to sign a formal complaint on behalf of the College

San Juan College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, San Juan College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below.

### **(3) Counterclaims**

The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### **(4) Right to an Advisor**

Upon filing of a Notice/Complaint an advisor of their choice will be appointed or selected by each of the parties. The parties may each have an Advisor present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker. Advisors should help the parties

prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

San Juan College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney. Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

San Juan College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

San Juan College also provides a consent form that authorizes the College to share such information directly with their Advisor. Advisors are expected to maintain the privacy of the records shared with them.

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.



Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

#### **(5) Informal Resolution Process**

Informal Resolution of a Notice or Complaint may be appropriate when the Title IX Coordinator can resolve the matter informally by

- (1) providing supportive measures to remedy the situation,
- (2) when the parties agree to resolve the matter through an alternate resolution mechanism; or
- (3) when the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation).

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above.

A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College. San Juan College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

#### **Alternate Resolution Mechanism**

Alternate Resolution is an informal mechanism including mediation by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism, including but not limited to, negotiation. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable. Negotiated Resolutions are not appealable.

## **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **(6) Formal Grievance Process**

#### **a. Notice of Investigation and Allegations**

To begin the formal grievance process, the Title IX Coordinator will serve written notice of the Investigation and Allegations (the “NOIA”) to the Respondent. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A summary of allegations,
- The identity of the involved parties (if known),
- The misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,

- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the College's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the College's VAWA Brochure,
  - The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, an investigator is assigned within two (2) business days, if not assigned upon the issuance of the NOIA, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

The NOIA may be mailed to the local or permanent address(es) of the parties as indicated in official College records or emailed to the parties' College-issued email or other designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. For climate/culture investigations that do not have an identifiable respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

#### **b. Resolution Timeline**

San Juan College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **c. Appointment of Investigators**

Upon issuance of a NOIA, the Title IX Coordinator assigns an investigator within two (2) business days. The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

San Juan College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

### **d. Investigation Timeline**

The Investigations will be completed, if possible, within thirty (30) business days. San Juan College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. San Juan College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

San Juan College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, San Juan College will implement supportive measures as deemed appropriate.

San Juan College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **e. Investigation Process**

The Investigator(s) typically take(s) the following steps:

- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation;
- Interview the Complainant to secure their statement;
- Interview the Respondent to secure their statement;

- Interview available witnesses, if any, to secure their statement;
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings;
- Conduct follow-up interviews as necessary;
- Provide regular status updates to the parties throughout the investigation;
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding;
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included;
- Investigator's role is to gather, assess and synthesize evidence, no conclusion, no policy changes, and no recommendations as part of the report.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

#### **f. Referral for Hearing**

Once the final investigation report is issued, the Title IX Coordinator will refer the matter for a hearing. The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool of administrators trained to serve in the appropriate capacity. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. Depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker depending on the context and nature of the alleged misconduct.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason. The Title IX Coordinator may not serve as a Decision-maker. The hearing will convene at a time not less than ten (10) business days from when the final investigation report is transmitted to the parties and decision-maker or their designee.

#### **g. Pre-Hearing Procedure**

- 1) Notice. No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. Once mailed, emailed, and/or received in person, notice will be presumptively delivered. The notice will contain:
  - A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
  - The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
  - Any technology that will be used to facilitate the hearing.
  - Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
  - A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
  - Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.

- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s).
- Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) [or have proffered a written statement or answered written questions], unless all Parties and the Decision-maker assent to the witness's participation in the hearing. The same holds for any relevant evidence that is first offered at the hearing. If the Parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing, the Decision-maker may delay the hearing and/or instruct that the investigation needs to be reopened to consider that evidence.<sup>1</sup>
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

2) Pre-Hearing Meetings. The Decision-maker may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that Decision-maker can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. Decision-maker must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting. At each pre-hearing meeting with a party and their Advisor, Decision-maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. Decision-maker may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. Decision-maker may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

#### **h. Hearing Procedure**

- (1) At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.
- (2) The Decision-maker will call the hearing to order and require all Participants to introduce themselves for the purposes of the record. Participants at the hearing will include, but are not limited to, the Decision-maker(s), the investigator who conducted the investigation, the parties, the Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services. The Decision-maker will answer all questions of procedure as requested by the Parties.
- (3) The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties through their Advisors. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-maker will direct that it be disregarded.
- (4) Next, the Parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-maker. The parties and witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. Non-Party witnesses may be excused after they testify, with the exception of the investigator who will generally be present through the entire hearing.
- (5) All questions are subject to a relevance determination by Decision-maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing, the proceeding will pause to allow the Decision-maker to consider whether the question will be permitted, disallowed, or rephrased. Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The following evidence will not be considered: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence



concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. To determine relevance, the Decisionmaker may invite explanations or persuasive statements regarding relevance with the Advisors, if the Decision-maker so chooses. The Decision-maker will explain any decision to exclude a question as not relevant or to reframe it for relevance.

(6) If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered. An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

(7) At the close of testimony, the Decision-maker will close the Hearing.

#### **i. Joint Hearing**

In Formal Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.

#### **j. Recording Hearings**

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of San Juan College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

**k. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence (more likely than not) standard of proof is used. The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations. This statement must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

**l. Notice of Outcome.**

Using the deliberation statement, the Title IX Coordinator will work with the Decision-maker to prepare a Notice of Outcome. The Title IX Coordinator will then share the Notice of Outcome with the parties and their Advisors within 7 business days of receiving the deliberation statement. The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, notice will be presumptively delivered. The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent). The Notice of Outcome will also include information on when the results are considered by San Juan College to be final, any changes that occur prior to finalization, and the relevant procedures and basis for any available appeal options.

**m. Sanctions**

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s),
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to stop, prevent future recurrence, and remedy effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acknowledgement of responsibility
- Any other information deemed relevant by the Decision-maker(s) The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

## 1. Student Sanctions

- The following are the possible sanctions that may be imposed upon students or organizations singly or in combination. *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- ***Required Counseling:*** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- ***Restrictions:*** A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- ***Probation:*** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- ***Suspension:*** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at San Juan College.

- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies.]
- **Withholding Diploma:** San Juan College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** San Juan College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of San Juan College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate in accordance with the San Juan College Student Code of Conduct.

## 2. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment and/or retaliation will be determined by the employee's supervisor in coordination with San Juan College Human Resources and the Title IX Coordinator. Sanctions will be in accordance with the San Juan College's Employee Handbook, Chapter 9 - Progressive Discipline Policy.

### n. Withdrawal or Resignation Before Complaint Resolution

Should a Respondent (Student or Employee) decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a Respondent withdraws or leaves the College, with unresolved allegation pending, the Resolution Process typically ends with a dismissal, as the College has lost primary disciplinary jurisdiction over the withdrawn student or former employee. However, the College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Resolution Process, the College will still provide reasonable supportive or remedial measures to the Complainant and continue to address and remedy any systemic issues or

concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

### **1. Students**

When a student withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the formal complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Formal Complaint. The Registrar, Office of Admissions, and HR may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to College unless and until all sanctions, if any, have been satisfied.

### **2. Employees**

When an employee resigns and the Complaint is dismissed, a note will be placed in the employee's file that they resigned with allegations pending.

### **o. Appeals**

Any party may file a request for appeal with the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome. Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter; or
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter. The Decision-maker's Final Determination is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only).
- (D) The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

The appealing party must include in their request a detailed statement as to what procedural irregularity or new evidence they contend necessitates a new hearing. Upon receipt, the non-appealing party will be given a copy of the request for appeal and an opportunity to provide a response to the request for appeal within three (3) business days.

A trained appeal decision-maker chosen from the Pool will be designated by the Title IX Coordinator to review the request for appeal.

Appeals are not intended to provide for a full rehearing of the allegation(s). An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the trained appeal decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed once, on any of the available appeal grounds. If the appeal is granted, the matter will be remanded for further hearing. A Notice of Appeal Outcome will be sent to all parties simultaneously, including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal and will remand the matter for an additional hearing.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

#### **p. Modifications**

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Title IX

Coordinator may also vary procedures materially with notice to the parties five (5) business days in advance of the enactment of the modification.

#### **g. Acknowledgement**

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### **14.15 Resolution Process**

#### **For alleged violations of the policy on Non-Discrimination, Sexual Harassment, and Harassment.**

San Juan College will act on any formal or informal allegation or notice of violation of the policy on NonDiscrimination, Sexual Harassment and Harassment that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties. Unionized or other categorized employees may be subject to the terms of their respective collective bargaining agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

#### **A. General Information:**

1. **Employees:** An employee who believes that he or she has been subjected to discrimination or harassment is encouraged, but it is not required, particularly if it may be confrontational, to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. An employee is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the employee. If the employee feels uncomfortable about discussing the incident with the immediate supervisor, the

employee should feel free to bypass the supervisor and file a complaint directly with the EEO/Title IX/Section 504 Coordinator.

- 2. Students:** A student who believes that he or she has been subjected to discrimination or harassment by anyone is encouraged, but it is not required particularly if it may be confrontational, to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A student is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the student. If the student feels uncomfortable about discussing the incident with the faculty member, department head, dean, Dean of Students or Vice President of Student Services, the student should feel free to bypass the person and file a complaint directly with the EEO/Title IX/Section 504 Coordinator.

When discriminatory conduct involves a crime of violence or a non-forcible sex offense, FERPA permits San Juan College to disclose to the alleged victim the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed.

In the event a student is found to have engaged in sexual harassment of another student, San Juan College will disclose to the student who was harassed information about the sanction imposed on the student when the sanction directly relates to the harassed student.

All internal San Juan College departments or schools will promptly contact and consult with the EEO/Title IX/Section 504 Coordinator when knowledge is obtained relating to potential discrimination or sexual harassment.

- 3. Supervisors:** If anyone in a supervisory, managerial, administrative or executive role or position, such as a supervisor, dean, department chair, or director of a unit, receives a complaint of alleged discrimination or harassment, or observes or becomes aware of conduct that may constitute discrimination or sexual harassment, that person must immediately contact the EEO/Title IX/Section 504 Coordinator.
- 4. Non-employees and non-students:** Individuals who are neither San Juan College employees nor San Juan College students and who believe they have been subjected to discrimination or sexual harassment by a San Juan College employee during the employee's work hours or by a San Juan College student on campus or at San Juan College sponsored event may utilize the complaint process set forth above

**Process "B" - Administrative Resolution Procedures that apply to Discrimination, Harassment and Retaliation, including Sexual Harassment when it does not fall under Process "A".**



**B. Complaints, Investigation, Determinations:**

***A. Procedure for Employees:***

1. All employees, regardless of job status, may file complaints regarding any act of discrimination including, but not limited to, disability discrimination, sexual harassment, sexual assault, dating and domestic violence, and stalking and alleging discrimination on the basis of sex.
2. Employees may begin the grievance procedure when they feel their rights have been violated by any act of discrimination including, but not limited to disability discrimination, sexual harassment or unfair treatment because of sex, by meeting with the EEO/Title IX/Section 504 Coordinator to describe the reasons for the complaint, the related circumstances, and the desired resolution. To assist in timely resolutions, employees should begin these procedures soon after the incidents. Employees will be asked to sign a form documenting these conversations.
3. The EEO/Title IX/Section 504 Coordinator is under obligation by law to investigate any charges of discrimination or unfair treatment. Upon receipt of the complaint, the EEO/Title IX/Section 504 Coordinator will conduct a thorough and impartial investigation.
4. After a thorough investigation, the EEO/Title IX/Section 504 Coordinator will attempt to facilitate informal conferences and negotiations toward a mutually satisfactory resolution.
5. If a complaint cannot be resolved informally, an employee may request, at any time, in writing, a formal hearing within ten (10) College work days from the conclusion of Step 1 of the appeal process.
6. Within fifteen (15) College work days of receipt of a written request for a hearing, the EEO/Title IX/Section 504 Coordinator appoints a three or five-member panel - consisting of College employees who can evaluate the complaints objectively. Only evidence that is relevant to the specific issues will be heard.
7. San Juan College will use a preponderance of the evidence standard in all proceedings involving discrimination, but not limited to sexual violence or sexual misconduct. This means that the standard of proof is whether the evidence presented makes it “more likely than not” that the alleged misconduct occurred.
8. The hearing will be closed and an audio recording of the official proceeding will be made and maintained on file for one year in the Human Resources Office. The hearing will consist of the hearing panel, the grievant, and the respondent. Witnesses

may be called as necessary. Any participant in a hearing may have an advisor to consult and support them. Advisors may not speak at the hearing, may not address the panel, or question witnesses. Advisors who are disruptive or fail to follow these rules will be removed.

9. The decision of the hearing panel will be submitted to the EEO/Title IX/Section 504 Coordinator for dissemination. If the respondent is found in violation of the policies, the EEO/Title IX/Section 504 Coordinator will forward the hearing results to the appropriate Vice President for disciplinary action. The complainant and respondent will simultaneously be sent a copy of the panel decision.
10. The prescribed time limits may be extended whenever necessary in order for these provisions to be implemented.
11. All employees are notified that they also have the right to file complaints with the appropriate state, federal, regional, or national agency, if they choose, including filing a complaint with local law enforcement for sexual violence.
12. Penalties: For employees who are found to have violated *the San Juan College Faculty and Staff Handbooks or CBA*, they will be referred to San Juan College Human Resources. Responsive actions for an employee who has violated this policy will be determined by the employee's supervisor in coordination with San Juan College Human Resources.

***B. Appeal Process for Employee:***

Employees do not have a direct right to appeal the decision of the hearing panel. Employees may appeal certain types of disciplinary actions that result from the decision of the hearing panel if the right to appeal is otherwise provided for in the San Juan College Employee Handbook.

***C. Procedure for Students:***

1. All students may file complaints regarding any act of discrimination including, but not limited to, sexual harassment, sexual assault, dating and domestic violence, stalking, discrimination on the basis of sex (includes pregnancy), and/or disability.
2. Students may begin the complaint process when they feel their rights have been violated by any act of discrimination including, but not limited to disability, sexual harassment or unfair treatment because of sex (includes pregnancy), by contacting the Title IX Coordinator or the Dean of Students in person or by

phone. Contact information is listed in Section 14/13(H)(d)(1) Campus SaVE Act above.

3. Students also have the option to submit an anonymous report. An anonymous report is an unofficial means to inform the College administration and/or SJC Department of Public Safety that a sexual assault has occurred on campus, near campus, or against a College member. This method has been developed to encourage reporting of sexual assaults without the risk of identity exposure and the pressures of filing a report with the Title IX Coordinator, Dean of Students, and/or filing criminal charges with a local law enforcement agency. The anonymous report will provide valuable information to the College administration and SJC Department of Public Safety, which will allow for improved prevention programming and resources in the future for the SJC campus community

Student victims of sexual assault may file an anonymous report with the Title IX Coordinator or Dean of Students, whether or not the victim of a sexual assault decides to file criminal charges against the offender at a later date. To keep information anonymous, do not include the names of victims or perpetrators. If names are included, this is no longer considered an anonymous report, and an investigation may be conducted by the SJC Department of Public Safety.

Anonymous reports will remain confidential to the public, but may be shared with the SJC Department of Police Safety and the Title IX Committee for statistical, programmatic, and/or referral purposes. Since the anonymous reporting method is unofficial, the Dean of Students or appropriate decision makers may not be able to take disciplinary action in response to such a report.

4. The student will then meet with the EEO/Title IX/Section 504 Coordinator to describe and discuss the reasons for the complaint, the related circumstances, and the desired resolution. To assist in timely resolutions, students should begin these procedures as soon as possible after the incident. Students will be asked to sign a form documenting these conversations.
5. The EEO/Title IX/Section 504 Coordinator is under obligation by law to investigate any charges of discrimination or unfair treatment. Upon receipt of the complaint, the EEO/Title IX/Section 504 Coordinator or designee will conduct a thorough and impartial investigation after obtaining a written consent to the investigation from the complaining student (or the parent if under the age of 18). A thorough and impartial investigation includes, but is not limited to, interviewing and obtaining statements from involved parties, witnesses and other persons with knowledge, obtaining relevant documentation or other evidence, seeking

guidance from Federal guidebooks and manuals and seeking advice, if appropriate, from College counsel. It also includes advising involved parties of the right to present witnesses and evidence at an appeal hearing.

6. After a thorough investigation, the EEO/Title IX/Section 504 Coordinator or the Dean of Students will attempt to facilitate informal conferences and negotiations toward a mutually satisfactory resolution.
7. If a complaint cannot be resolved informally, the EEO/Title IX/Section 504 Coordinator or the Dean of Students will make a determination within thirty (30) College business days from the date the complaint was received.
8. San Juan College will use a preponderance of the evidence (more likely than not) standard in all determination proceedings involving discrimination, including, but not limited to, sexual violence or sexual misconduct, including sexual harassment. This means that the standard of proof is whether the evidence presented makes it “more likely than not” that the alleged misconduct occurred.
9. The decision of the EEO/Title IX/Section 504 Coordinator will be made in writing and given to both the Complainant and Respondent, as well as the Dean of Students. The Complainant will only be notified of any sanctions imposed on the Respondent if the sanctions directly relate to the Complainant.
10. If it is determined that there was a hostile environment or an environment that allowed sexual violence to take place, the EEO/Title IX/Section 504 Coordinator and the Dean of Students will take immediate action to eliminate the hostile environment to prevent its reoccurrence and address its effects.

***D. Appeal Process for Students:***

- a. Any student has the right to file an appeal of the decision of the EEO/Title IX/Section 504 Coordinator within three (3) working days of notification of the final outcome. A written notice of appeal must be filed by the aggrieved party with the Dean of Students.
- b. A request for an appeal shall be limited to a review of the investigation, findings of the initial investigation, related hearing, and supporting documents or one (1) or more of the following purposes:
  - (i) **New Information:** To consider new documentation, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction(s). A summary of this new documentation and its potential impact must be included.

- (ii) **Procedural Error:** To determine that a procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. unjustified and significant deviation from published procedures, etc.).
- c. The appeal should include the basis for appeal and all evidence/information to be considered by the appeal panel.
- d. The appeal is a written appeal only and will not constitute a new hearing.
- e. The Dean of Students has ten (10) working days from receipt of the signed notice of appeal to schedule in a timely manner an appeals panel to review the matter.
- f. Upon receipt of the written notice of appeal, the Dean of Students or his/her designee will appoint an appeal panel. Appeals involving cases resulting in suspension, expulsion, degree revocation, or rescission of credit will be heard by a committee composed of two (2) persons and a chairperson. The membership of the Committee will include:
  - (i) One (1) Chairperson will be a San Juan College employee (outside the department of the alleged discrimination occurrence);
  - (ii) One (1) student and
  - (iii) One (1) additional San Juan College employee (outside the department of the alleged discrimination occurrence);
  - (iv) Employee may represent faculty or professional staff.
- g. The appeal panel will determine the outcome of the appeal based on all information submitted in writing and will use the preponderance of evidence standard. The outcome of the appeal will be determined by the majority vote of the panel.
- h. The appeal panel will determine the outcome of the appeal based on all information presented at the appeal hearing and will use the preponderance of evidence standard. The outcome of the appeal will be determined by majority vote of the participating appeal panel participants.
- i. The written decision of the appeal panel will be given to the individuals involved, the EEO/Title IX/Section 504 Coordinator and the Vice President for Student Services, within five (5) working days following the completion of the appeal hearing. The Complainant will only be notified of any sanctions imposed on the Respondent if the sanction directly relates to the complaining student.

- j. Records of the appeal panel decision will be kept in the Office of Student Services and the EEO/Title IX/Section 504 Coordinator.
- k. All students are notified that they also have a right to file complaints with the appropriate state, federal, regional, or national agency, if they choose, including filing a complaint with local law enforcement for sexual violence.
- l. Penalties: Cases for students who are found to have violated the *San Juan College Student Code of Conduct* will be referred to the Dean of Students.

San Juan College recognizes that the reporting of sexual violence and sexual misconduct is a sensitive issue, but encourages all members of the College community to report incidents of sexual misconduct. Not every person will choose to make a formal report to the College or with law enforcement about being a victim/survivor of sexual misconduct.

**A. Reporting.** The purpose of this section is to outline confidentiality and reporting options and obligations for students and employees alike. Dependent on who a person contacts may determine the level of confidentiality they can expect.

1. Reports to Law Enforcement: Persons making reports of being the victim/survivor of sexual violence or sexual misconduct should not expect any privacy protections with such a report. While police officers and detectives are sensitive to privacy concerns, the legal setting requires a transparent and legally sufficient investigative process.
2. Reports to Persons Who Hold Legal Privileges to Maintain Confidentiality: Medical doctors, psychologists, licensed counselors, and priests and pastors who provide medical and counseling services to members of the San Juan College community are not required to report the incident on to law enforcement or to the College against the wishes of the person (except in cases involving sexual abuse of a minor). You must give permission to these persons to inform law enforcement or the College EEO/Title IX/Section 504 Coordinator of the incident involving sexual violence or sexual misconduct.
3. Reporting to “Responsible Employees”: Certain employees at San Juan College are designated as “responsible employees” under Title IX who have an affirmative legal duty to inform the EEO/Title IX/Section 504 Coordinator so that a formal investigation can commence. Faculty members, department heads, Deans, the Dean of Students, and Public Safety Department officers are all designated as “responsible employees”. To the extent possible, information reported to a responsible employee will only be shared with persons in the EEO/Title IX/Section 504 Coordinator’s office who are responsible to investigate and respond to the report. These individuals will not automatically report the incident on to law enforcement (except in the case of

sexual abuse of a minor) without permission, unless there is an ongoing threat to the College community that requires police action. If a person requests confidentiality, the College will try to maintain, but cannot guarantee confidentiality.

4. Non-Professional Counselors and Advocates: Individuals who work or volunteer in Student Services, the Advising Center, Counseling Center, any student organization, including front desk staff and students, can generally talk to a person without revealing any personally identifying information about an incident to the College. A person can seek assistance and support from these individuals without triggering a formal College investigation that could reveal the victim's identity. While maintaining a person's confidentiality, these individuals or their office will report the nature, date, time, and general location of an incident to the EEO/Title IX/Section 504 Coordinator. This limited report – which includes no information that would directly or indirectly identify the person – helps keep the EEO/Title IX/Section 504 Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the EEO/Title IX/Section 504 Coordinator, these individuals will consult with the person to ensure that no personally identifying details are shared with the EEO/Title IX/Section 504 Coordinator. A person who speaks to a non-professional counselor or advocate must understand that, if the person wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused. Even so, these individuals can still assist the person in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to working or course schedules. Any individual who at first requests confidentiality may change their mind and file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the individual with assistance if the individual wishes to do so.

#### **B. The Effects of Requesting Confidentiality.**

If a person discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim/survivor. If the College honors the request for confidentiality, the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. There are times, however, when the College may not be able to honor a person's request in order to provide a safe, non-discriminatory environment for all

employees and students. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence: EEO/Title IX/Section 504 Coordinator, Dean of Students, and Director of Public Safety Department.

**Regardless of an individual's decision on confidentiality, the College will continue to support and assist the person as outlined in this policy.**

C. The Importance of Reporting Sexual Violence and Misconduct to Law Enforcement and Preserving Evidence

- a. Persons who are in danger of or undergoing an event of sexual violence or sexual misconduct should immediately call 911.
- b. Persons who have just experienced an incident of sexual violence or sexual misconduct are encouraged to report the incident as soon as possible to the Farmington Police Department by calling 911 or 334-6622.
- c. Persons who have experienced sexual violence or sexual misconduct in the past are still encouraged to report the incident to law enforcement, regardless of when it occurred.
- d. The ability to obtain and preserve critical evidence in sex related crimes diminishes over time. The earlier a person reports an incident of sexual violence or misconduct, the greater the opportunity to collect helpful evidence (particularly medical evidence), provide clear and detailed information about what happened, and identify and get statements from eyewitnesses.
- e. Early reporting helps preserve evidence. San Juan College encourages timely reporting. Individuals can decide later whether they wish to continue pursuing criminal charges.

**2. Bystanders' Obligation to Assist and Report Acts of Sexual Violence as Sexual Misconduct:**

San Juan College expects all members of the campus community to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. San Juan College will help educate and engage bystanders to be an effective tool to help prevent acts of sexual misconduct. Bystanders can help in several different ways, including direct intervention, seeking assistance from an authority figure, notifying the Public Safety Department, or calling the Farmington Police Department. Remaining silent or thinking it is someone else's problem is not an ethical or reasonable position.



1. Observation of an act of sexual misconduct: It is important to understand that no individual has the right to be violent, regardless of whether people are in a relationship. Recognizing when acts of sexual misconduct are occurring is the first step to intervention. San Juan College's sponsored education and training programs will give information on recognizing when sexual misconduct is taking place. Bystanders should only attempt to personally intervene if it can be done safely – violence does not stop violence, and, if they cannot stop the act with their words, they should call the Public Safety Department or Farmington Police Department. Bystanders are encouraged to ask other students and College employees for help.
2. Assisting Victims/Survivors to Confide and Disclose Sexual Misconduct: When persons confide and disclose being victims/survivors of sexual misconduct, members of the College community who receive that information should let the person tell their story and should listen respectfully and help them explain and identify what happened to them. They should help individuals identify appropriate avenues for assistance. Individuals should be helped to feel safe and encouraged to seek medical attention and counseling. They should be encouraged to report the incident to the EEO/Title IX/Section 504 Coordinator and the Farmington Police Department. Being kind, understanding, and non-judgmental can be a positive force for helping them make a formal report and recover from such events.

### **3. Supervisor Responsibilities**

Every supervisor (including faculty members in the academic setting) has a responsibility to take reasonable steps to prevent acts of discrimination or sexual harassment, which include, but are not limited to:

1. Monitoring the work and school environment for signs that discrimination or harassment may be occurring;
2. Refraining from participation in, or encouragement of, actions that could be perceived as discrimination or harassment (verbal or otherwise);
3. Stopping any observed acts that may be considered discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within their line of supervision; and
4. Taking immediate action to minimize or eliminate the work and/or school contact among individuals where there has been a complaint of sexual harassment, pending the completion of the investigation. If a supervisor (or faculty member in the academic setting) receives a complaint of alleged discrimination or sexual harassment, or observes or becomes aware of conduct that may constitute

discrimination or sexual harassment, the supervisor (or faculty in academic setting) must immediately contact the EEO/Title IX/Section 504 Coordinator. Failure to take the above action to prevent the occurrence of or stop known discrimination or harassment may be grounds for disciplinary action in accordance with the provisions of the San Juan College Employee Handbook.

#### **4. Reducing Risks and Recognizing Warning Signs for Sexual Violence and Sexual Misconduct**

The following are steps that can help reduce the risk of sexual assault. When considering these actions, it is important to remember that two-thirds of victims/survivors of sexual assault already know the perpetrator:

- a. Be aware of your surroundings, know where you are, who is around, and options for leaving.
- b. Use well-lit and traveled routes and never put headphones or earbuds in, if alone.
- c. Avoid isolated areas.
- d. Avoid becoming isolated with someone you do not know or trust.
- e. Always walk with a purpose.
- f. Avoid carrying lots of packages or bags.
- g. Trust your instincts. If a situation makes you uncomfortable, get out.
- h. Go to and leave parties with friends.
- i. Practice safe drinking precautions – watch your drink, get your own drinks, do not leave drinks unattended, and avoid punch bowls and large communal containers.
- j. Always practice the buddy system.
- k. Be true to yourself. Do not feel obligated to do anything you do not want to.
- l. Have a ‘code’ word to alert friends you are uncomfortable or in trouble.
- m. Always think about an escape route.
- n. Make no commitments or decisions while under the influence of drugs or alcohol.
- o. It is better to make an excuse and leave than to stay and be a victim.
- p. Never give out personal information to strangers about where you live or your living arrangements in person or online.
- q. Only agree to meet new people you have met online in public settings and always take a friend with you.
- r. Always keep your gas tank more than half full, keep your car doors locked, and tell others of your planned travel route.

- s. Always have your cell phone in your car and a charger in the car.

**5. The following are warning signs of potentially abusive behavior in a close personal relationship. Acting on the appearance of warning signs is the key to avoid being the victim of date violence, spousal violence, and stalking.**

- a. Does the person abuse alcohol or drugs?
- b. Does the person have a history of legal trouble, fighting, or destroying property?
- c. The other person will not work or go to school.
- d. Do they blame you for everything bad that happens or blame you for how they treat you?
- e. Do they abuse other family members?
- f. Do they call you and others names and put you and them down?
- g. Are they always angry at something or someone?
- h. Do they try to control where you go or who you see?
- i. Do they try to isolate you from family and friends?
- j. Do they demand sex or try to force you to be sexual, even when you do not want to be?
- k. Are they physically rough with you (push, shove, pull hair, restrain, etc.)?
- l. Do they take your money or belongings without asking?
- m. Do they accuse you of being unfaithful, cheating on them, or “coming on” to others?
- n. Do they reject your thoughts, feelings or opinions and refuse to listen to you?
- o. Do they put you down or insult you in front of others or call you dumb, fat, stupid, or say that no one else would want you?
- p. Threaten to kill themselves or you if you break up with them?
- q. Do they experience extreme mood swings?
- r. Do they constantly compare you to their former partners?
- s. Are you afraid to break up with them?
- t. Do you feel they control every aspect of your life?
- u. Do you avoid certain subjects or activities that make them mad?
- v. Do you tell yourself that if you try harder or love them more, things will get better?
- w. Are you crying more often, feeling increasingly depressed and unhappy?
- x. Do you obsess over how to keep your partner “happy”?
- y. Do things with your partner only seem to be getting worse and worse?

## **6. Education and Training Programs to Implement and Support Policy on Discrimination, Harassment, and Sexual Misconduct on Campus**

San Juan College will implement and support this policy with the training and educational events and activities outlined below:

1. Provide training on sexual misconduct for all new and existing students and employees via online training.
2. Sponsor and conduct annual prevention workshops/seminars/activities addressing domestic violence, dating violence, sexual assault, harassment, and stalking.
3. Provide links to online training materials in the web-based versions of the Annual Course Catalog and Student Handbook.
4. Provide trauma-informed training for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence and harassment and stalking cases.
5. Provide web-based training on the Department of Public Safety website for risk avoidance and warning signs of potential abusive relationships.
6. Periodically conduct specialized bystander training events and static displays on campus.
7. Make annual and periodic presentations to faculty, staff, and professional staff associates regarding this policy and component parts of this policy.
8. Provide students the link to the College policy on sexual misconduct and include as part of the incoming students' orientation/onboarding.
9. Utilize Student Services and student organizations to support sexual misconduct training opportunities on campus.

## **7. San Juan College and Community Resources Available to Victims/Accused of Sexual Violence or Sexual Misconduct**

1. San Juan College Student Health & Counseling Services  
Student Health Center Building, Room 55501  
Phone: (505) 566-4255  
Email: [counseling4mentalhealth@sanjuancollege.edu](mailto:counseling4mentalhealth@sanjuancollege.edu)

2. Farmington Police Department  
900 Municipal Drive  
Farmington, New Mexico 87401  
Phone: 911 or (505) 334-6622

3. Sexual Assault Services of Northwest New Mexico

622 Maple Street

Farmington, New Mexico 87401

Phone: (866) 908-4700; (505) 326-4700; (505) 325-2805

[Sexual Assault Services of NW New Mexico Website](#)

4. Desert View Counseling

905 Apache

Farmington, New Mexico 87401

Phone: (505) 326-7878

[Desert View Website](#)

5. Family Crisis Center\*

208 Apache

Farmington, New Mexico 87401

Phone: (505) 325-3549; Hotline (505) 564-9192; (888) 440-9192

[Family Crisis Center Website](#)

6. Navajo Nation Strengthening Families Program

Teaching Responsibilities, Empowering and Equality (T.R.E.E) House

Phone: (505) 368-1156

7. DNA Legal Services, Inc.

709 Butler Ave.

Farmington, New Mexico 87401

Phone: (505) 325-8886

8. New Mexico Children, Youth & Families Department

Phone: (505) 795-1645

[Children, Youth & Families Domestic Violence Services](#)

\*Provides services for the offender



## **Assisting Victims to Confide and Disclose Sexual Misconduct**

When persons confide and disclose being victims of sexual misconduct, members of the College community who receive that information should let the victim tell their story and should listen respectfully and help them explain and identify what happened to them. They should help victims identify appropriate avenues for assistance. Victims should be helped to feel safe and encouraged to seek medical attention and counseling. They should be encouraged to report the incident to the EEO/Title IX/Section 504 Coordinator and the Farmington Police Department, or the appropriate law enforcement authority. Being kind, understanding, and non-judgmental can be a positive force

for helping victims make a formal report and recover from such events.

## **Reducing Risks and Recognizing Warning Signs for Sexual Violence**

### **Reducing Risk**

The following are steps that can help reduce the risk of sexual assault. When considering these actions, it is important to remember that two-thirds of victims of sexual assault already know the perpetrator:

- a. Be aware of your surroundings, know where you are, who is around, and options for leaving.
- b. Use well-lit and traveled routes and never put headphones or ear buds in, if alone.
- c. Avoid isolated areas.
- d. Avoid becoming isolated with someone you do not know or trust.
- e. Always walk with a purpose.
- f. Avoid carrying lots of packages or bags.
- g. Trust your instincts. If a situation makes you uncomfortable, get out.
- h. Go to and leave parties with friends.
- i. Practice safe drinking precautions – watch your drink, get your own drinks, do not leave drinks unattended, and avoid punch bowls and large communal containers.
- j. Always practice the buddy system.
- k. Be true to yourself. Do not feel obligated to do anything you do not want to.
- l. Have a 'code' word to alert friends you are uncomfortable or in trouble.
- m. Always think about an escape route.

- n. Make no commitments or decisions while under the influence of drugs or alcohol.
- o. It is better to lie and leave than to stay and be a victim.
- p. Never give out personal information to strangers about where you live or your living arrangements in person or online.
- q. Only agree to meet new people you have met online in public settings and always take a friend with you.
- r. Always keep your gas tank more than half-full, keep your car doors locked, and tell others of your planned travel route.
- s. Always have your cell phone in your car and a charger in the car.

### **Recognizing Warning Signs**

The following are warning signs of potentially abusive behavior in a close personal relationship. Acting on the appearance of warning signs is the key to avoid being the victim of date violence, spousal violence, and stalking.

- a. Does the person abuse alcohol or drugs?
- b. Does the person have a history of legal trouble, fighting, or destroying property?
- c. The other person will not work or go to school.
- d. Do they blame you for everything bad that happens or blame you for how they treat you?
- e. Do they abuse other family members?
- f. Do they call you and others names and put you and them down?
- g. Are they always angry at something or someone?
- h. Do they try to control where you go or whom you see?
- i. Do they try to isolate you from family and friends?
- j. Do they demand sex or try to force you to be sexual, even when you do not want to be?
- k. Are they physically rough with you (push, shove, pull hair, restrain, etc.)?
- l. Do they take your money or belongings without asking?
- m. Do they accuse you of being unfaithful, cheating on them, or “coming on” to others?
- n. Do they reject your thoughts, feelings or opinions and refuse to listen to you?
- o. Do they put you down or insult you in front of others or call you dumb, fat, stupid, or say that no one else would want you?
- p. Threaten to kill themselves or you if you break up with them?
- q. Do they experience extreme mood swings?
- r. Do they constantly compare you to their former partners?
- s. Are you afraid to break up with them?
- t. Do you feel they control every aspect of your life?
- u. Do you avoid certain subjects or activities that make them mad?

- v. Do you tell yourself that if you try harder or love them more, things will get better?
- w. Are you feeling increasing depression and unhappiness?
- x. Do you obsess over how to keep your partner “happy”?
- y. Do things with your partner only seem to be getting worse and worse?

## **Educational Programs and Campaigns**

San Juan College implements and supports its policy on discrimination, harassment, and sexual misconduct with the training and educational events and activities outlined below:

1. Provide training on sexual misconduct for all new and existing students and new and existing employees via online training.
2. Sponsor and conduct annual prevention workshop/seminars/activities addressing domestic violence, dating violence sexual assault, harassment, stalking.
3. Provide links to online training materials in the web-based versions of the Annual Course Catalog and Student Handbook.
4. Provide trauma-informed training for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence and harassment and stalking cases.
5. Provide web-based training on the Department of Public Safety website for risk avoidance and warning signs of potential abusive relationships.
6. Periodically conduct specialized bystander training events and static displays on campus.
7. Make annual and periodic presentations to faculty, staff, and professional staff associates regarding this policy and component parts of this policy.
8. Provide students with the link to College policy on sexual misconduct and include it as part of incoming student’s orientation/onboarding.
9. Utilize Student Services and student organizations to support sexual misconduct training opportunities on campus.

## **Primary Prevention and Awareness Programs**

All new employees at San Juan College receive Preventing Harassment and Discrimination training, which includes Title IX and Clery training. An online Sexual Assault Prevention for Undergraduates is available for all San Juan College students through a vendor provider LMS.

New student orientation includes a presentation on Title IX Protections, which goes into detail about the protections afforded to San Juan College students in instances that qualify under Title IX. San Juan College developed a comprehensive policy regarding Equal Opportunity, Harassment, and Non-Discrimination, released to employees on August 1, 2024, and for students on August 2, 2024. The policy is available in the San Juan College Faculty and Staff Handbooks,



and all new employees are asked to review it upon employment at San Juan College. It is also available for students on the Title IX Information website.

### Ongoing Prevention and Awareness Campaigns

EVENT	DATE	DESCRIPTION
<ul style="list-style-type: none"><li>Preventing Harassment and Discrimination with Title IX &amp; Clery Module</li></ul>	Annual Online Training	Preventing Harassment and Discrimination: Prepares leaders, faculty and staff to cultivate and maintain a workplace culture resistant to discrimination, harassment and retaliation. Faculty and Staff will be equipped with the information and skills that promote intervention and empathy. This course includes a section specific to requirements under Title IX and the Clery Act.
<ul style="list-style-type: none"><li>Sexual Assault Prevention for Undergraduates.</li></ul>	Online for new students Training	Title IX and Clery Act training that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs.

## Title IX

San Juan College is committed to maintaining a positive learning and working environment, as well as other benefits, programs, and activities free from discrimination based on protective characteristics, harassment, and retaliation for engaging in protected activity.

To ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities, Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment, and Section 304 of the Violence Against Women Reauthorization Act of 2013 (also known as the Campus Sexual Violence Elimination Act (SaVE Act)).

San Juan College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of gender/sex-based discrimination or harassment, and for allegations of retaliation.

### Contact Information for Title IX Coordinator:

Stacey Allen, Compliance Officer for Human Resources  
Educational Services Center Building, 2<sup>nd</sup> Floor  
Human Resources, Room 4243  
505 566 3515; [allens@sanjuancollege.edu](mailto:allens@sanjuancollege.edu)

## **Policy of Equal Opportunity, Harassment, and Non-Discrimination Policy Link:**

<https://www.sanjuancollege.edu/about/consumer-info/title-ix/>

## **Complainant/Respondent**

If you wish to report sex-based discrimination, harassment, violence, or retaliation, you are referred to as the **Complainant**. The person against whom you have made allegations is referred to as the **Respondent**.

## **How to report alleged sex-based discrimination, harassment, violence, or retaliation (includes sexual harassment, sexual assault, stalking, dating violence, and domestic violence):**

- 1) For emergency situations needing medical attention: Call 911
- 2) Directly to the College's Title IX Coordinator at [titleIX@sanjuancollege.edu](mailto:titleIX@sanjuancollege.edu) or call 566-3515. Also, can report by using the [Online Reporting Form](#). The College's Title IX Coordinator has authority to address Title IX complaints in a non-criminal context. This College process is completely separate from the law enforcement process.
- 3) Any College personnel and the Department of Public Safety at (505) 215-3091, mandatory reporting is required. Confidential reporting for students: Counselor only at (505) 566-4255. To report sexual assault confidentially, contact Sexual Assault Services of Northwest New Mexico's 24-Hour Crisis Hotline at (505) 326-4700 or 1(866) 908-4700.
- 4) Choose to report to local law enforcement at (505) 334-6622. If a report is made initially with law enforcement, law enforcement may inform the Title IX Coordinator, with the victim's/survivor's consent.
- 5) Complainant may pursue separate complaints simultaneously through the Title IX Coordinator and through a law enforcement process. In addition, you may file a complaint with the Office of Civil Rights of the United States Department of Education at [File Complaint with Office of Civil Rights](#).

## **The Timetable**

Because reporting carries no obligation to initiate a formal response, and the College respects the Complainant's request to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is mainly in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

Title IX investigations may take 60-90 days to resolve, depending on the complexity of the case and the number of parties involved. The College will keep the Complainant and Respondent as reasonably advised about the case status.

Because the College Title IX process is separate from that which might be undertaken by local law enforcement, the College will not wait until a criminal or civil case is resolved before proceeding.

The Complainant and Respondent will be informed of the case's outcome in writing.

### **The Complainant's Right to Confidentiality**

San Juan College has an obligation to protect a learning and working environment that is safe from sex-based discrimination, harassment, violence, and retaliation. For this reason, the Title IX Coordinator may proceed with an investigation, even if the complainant wishes that an investigation not occur. The Complainant is not required to participate; however, this may limit the College's ability to respond to the incident.

If you request that your name or other identifying information not be used in an investigation, the College will consider your request in light of the context of its responsibility to provide a safe and nondiscriminatory environment. In most cases, information including your name will be shared with the respondent, witnesses, and College officials who have a legitimate need to know. Beyond that, the College will take steps to protect your identity and the identity of all individuals involved.

Sometimes a person does not report an event out of fear that the College will take action against the Complainant for alcohol or drug use. The complainant should be aware that such violations will be handled informally whenever possible and that the Complainant's use of such substances does not put the Complainant at fault for sex-based harassment, violence, or retaliation.

### **Protection from Retaliation**

The College will take supportive measures to protect the Complainant and Respondent while the case is pending. Any adjustments made will be designed to minimize the burden on the Complainant's and Respondent's educational program. In addition, the College prohibits retaliation against any employee or student who reports, testifies, assists, or participates in an investigation or hearing relating to allegations of sex-based harassment or violence. Any retaliation should be reported immediately to the Title IX Coordinator.



## Emergency Communication Plan

San Juan College will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim, to contain, or respond to, or otherwise mitigate the emergency. When there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, San Juan College will initiate its SunsAlert System. The SunsAlert encompasses the roles of campus safety, communications, and campus relations in communicating vital information to the San Juan College community and, if necessary, the public. In any emergency, having flexibility to respond appropriately is critical. The SunsAlert is a flexible system that is used in conjunction with the emergency decision-making procedures of San Juan College.

The SunsAlert was implemented as a means to provide College students, faculty, and staff with immediate notification regarding emergency or life-threatening situations, as well as safety instructions and updates. The system is also utilized to provide weather alerts that would include school closings or delays due to snow or ice situations, power outages, illness outbreaks, and other related events.

Depending upon the situation, the system can include all or a portion of the following: text messaging, email, web RSS feed, and Alertus (a desktop notification for every campus desktop computer). Once the emergency has ended, an all-clear message will be sent utilizing the same protocol as the initial alert. During the emergency, updates will be issued when there are significant developments or as needed. The Suns Alert may be used in conjunction with alerts on the San Juan College website, on San Juan College social media accounts, on television, on the

radio, and through other notification avenues as deemed necessary by appropriate San Juan College personnel and the San Juan College Marketing and Public Relations Department.

## **Emergency Alerts**

In the case of an emergency incident, the Department of Public Safety Director, Public Safety Manager, or the designee, will coordinate information with the local emergency management response teams, including the San Juan County Office of Emergency Management. If the emergency requires a response from San Juan College, San Juan College may invoke one or more of the procedures of the All-Hazards Approach, which includes Evacuation, and Lockdown. Once the appropriate emergency response is determined, or it is determined that there is no emergency response necessary, the Department of Public Safety will then contact the following alert administrators or their designees in the order listed to activate the SunsAlert:

- Heather Chavez, Access and Control Lead
- Kenneth Hibner, Director of the Department of Public Safety
- Rhonda Schaefer, Director of Public Relations and Marketing
- Sherry Curry-Graves, Public Relations Coordinator
- Angelique Rodriguez, Administrative Assistant, PR and Marketing
- Randall Keeswood, Network Manager

In the event of an immediate threat to the safety of the College and in the interest of issuing a timely emergency alert, a DPS administrator may elect to issue an emergency alert without following the above order of alert administrators.

## **Inclement Weather**

Once a school closure or delay is determined, the alert notification tree is activated to administer the Suns Alert messaging in the order listed:

- Heather Chavez, Access and Control Lead
- Kenneth Hibner, Director of the Department of Public Safety
- Rhonda Schaefer, Director of Public Relations and Marketing
- Sherry Curry-Graves, Public Relations Coordinator
- Angelique Rodriguez, Administrative Assistant, PR and Marketing
- Randall Keeswood, Network Manager

## **Emergency Message Templates**

SUNSAAlert templates have been proactively developed to fit a variety of situations that could potentially occur. Templates have also been developed specifically for Clery Act crimes. These have been entered into San Juan College's SUNSAAlert system to provide administrators with statements that can easily be altered to fit specific circumstances. Templates serve to expedite

an emergency message, as long as the template sufficiently serves to notify the campus community of the relevant facts to allow the campus community to take proper protective measures. San Juan College also recognizes that every emergency is different, and a template may not fit the situation in progress. In that case, SUNSAlert administrators have the ability to develop unique messages that better inform the campus community. An outline of SunsAlert message templates is available for administrators in the SUNSAlert section of the Emergency Management Plan.

## **Testing the System**

San Juan College will test the system campus-wide twice per year. Test dates are set in preparation for both the Fall and Spring semesters, which include the second Sunday in October and the second Sunday in February. A notification will be posted to the home page of the San Juan College website one week prior to the actual test. Tests will normally be done in conjunction with an emergency preparedness drill on campus, including but not limited to active shooter simulations, fire drills, chemical spill evacuations, emergency lockdown drills, and preventative lockdown drills. San Juan College will administer unannounced tests and drills as needed.

Along with a biannual campus-wide test, SunsAlert administrators will each be responsible for sending one test message every other week via text and email to the San Juan College SunsAlert administrator group. This test will help ensure familiarity and readiness.

## **Alert Test History**

Test alerts are stored within the Suns system. The Department of Public Safety maintains records of all drills and exercises that include a description of the exercise, the date of the exercise, the time of the exercise, and whether it was announced or unannounced.

## **Personnel Changes in Alert Administrators**

Should positions or personnel change on the SunsAlert administrator list, the Information Technology Center (ITC) is contacted to make the necessary changes. The ITC serves as the main administrator for the SUNSAlert system.

## **How to Register for SUNSAlerts**

Every San Juan College student, staff, and faculty email is automatically registered in the system. It is recommended that each student and employee confirm their contact information within the Workday (employees) and Colleague (students) to ensure receipt of alerts.

## **Notifying the Larger Community**

The San Juan College Public Relations and Marketing Department is responsible for developing the information, disseminating the information, and notifying the public of an emergency on

campus. Notification procedures for the public will differ depending on the situation. The method of dissemination will also differ depending on which method is determined most appropriate for the situation. Methods of dissemination may include but are not limited to:

- KSJE San Juan College radio station
- San Juan College website
- San Juan College social media accounts
- Press release
- Television alerts in collaboration with local news stations

Emergency notifications are initiated by a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An immediate threat includes an imminent or impending threat. Examples of significant emergencies or dangerous situations include:

- |                                     |                              |
|-------------------------------------|------------------------------|
| • Active fire alarm                 | • Earthquake                 |
| • Armed/hostile intruder            | • Explosion                  |
| • Bomb threat                       | • Extreme weather conditions |
| • Civil unrest or rioting           | • Gas leak                   |
| • Chemical or hazardous waste spill | • National disaster          |
| • Communicable disease outbreak     | • Terrorist incident         |

San Juan College will immediately notify the campus community upon confirmation of an emergency or dangerous situation. "Confirmation" means that an institution official (or officials) has verified that a legitimate emergency or dangerous situation exists. Confirmation does not necessarily mean that all of the pertinent details are known or even available. San Juan College will, without undue delay, and considering the safety of the community, determine the content of the notification and distribute the notification. However, if in the professional judgement of responsible authorities, the notification may compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency, the notification may be delayed.

Emergency notifications will be issued to the entire campus community, but the content of the emergency notifications will specify which part of the campus community is at risk. For example, if there is a fire in the Information Technology Center (ITC), an emergency notification may be issued to the entire campus community. The emergency notification may specify that anyone in the ITC should evacuate immediately. The evacuation may not be pertinent to those who are not in the ITC, but an emergency notification to the entire campus community prevents individuals from entering the ITC unknowingly until the fire is extinguished and the building is cleared for reentry. The notification may also notify those in surrounding buildings to be prepared to evacuate in the event that the fire expands. The content of emergency notifications is developed

on a case-by-case basis. The Department of Public Safety and/or the Marketing and Public Relations Department will determine how much information is appropriate to disseminate.

## **Timely Warnings**

Timely Warnings alert the campus community to potentially dangerous criminal situations on campus so that the campus community has both the time and the information necessary to take appropriate precautions and to enable people to protect themselves. Timely Warnings alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. A Timely Warning will be issued as soon as pertinent information is available. Additional information will be provided as it becomes available. Timely Warnings will be issued in a manner that sends the word out quickly and effectively communitywide. Timely Warnings will primarily be issued via SUNSAlert, but San Juan College may elect to issue a Timely Warning via other methods (e.g., the San Juan College website, San Juan College social media accounts, and email from a Department of Public Safety or Marketing and Public Relations representative) in conjunction with the SUNSAlert.

The Director of the Department of Public Safety, or a designee, will determine if a crime merits the issuance of a Timely Warning. The decision to issue a timely warning will be done in cooperation with the Director of Marketing and Public Relations, or a designee. The President of San Juan College and the appropriate Vice President will be informed and continuously updated if a Timely Warning is issued.

San Juan College will consider all of the facts surrounding Clery Act crimes that occur within San Juan College's Clery Geography that are reported to a CSA or local police agencies to determine whether to issue a Timely Warning. San Juan College may issue Timely Warnings for non-Clery Act crimes. San Juan College will decide to issue a Timely Warning on a case-by-case basis in light of all the facts surrounding a crime, including factors such as:

- The nature of the crime;
- The continuing danger to the campus community, and
- The possible risk of compromising law enforcement efforts.

## **Nature of the Crime**

### **Clery Act Crimes**

#### **Criminal Offenses**

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest



- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

### **VAWA Offenses**

- Domestic Violence
- Dating Violence
- Stalking

### **Hate Crimes**

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

### **Clery Geography**

**On Campus:** 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 paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports the institution's educational purposes.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

**Non-Campus Buildings or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 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.

### **Determining the Content of a Timely Warning**

The intent of a Timely Warning is to enable members of the campus community to protect themselves; thus, Timely Warnings will include all information that will promote safety and that will aid in the prevention of similar crimes. The Timely Warning will include pertinent information about the crime that triggered the warning. Pertinent information may include, but is not limited

to, one or more of the following: date; time; type of crime; means used to carry out the crime; weapon(s) involved, if any; location of the crime; number of suspects; description of suspect(s); status of suspect(s); last known location of suspect(s); method of travel for suspect(s); areas of campus deemed unsafe; All Hazards Approach procedure in effect.

San Juan College may not describe the subject(s) if it is determined that there is insufficient information to describe the subject(s) in a manner that will promote safety and that will aid in the prevention of similar crimes. For example, if the only description of a subject is that it was a Caucasian male wearing jeans, San Juan College may determine not to include the description of the subject in the Timely Warning. In this example, the lack of information to describe the subject may actually suppress safety and the aiding in the prevention of similar crimes, instead of promoting it. The content of a Timely Warning will be determined on a case-by-case basis by the appropriate authorities or their designees.

San Juan College may, in appropriate circumstances, include personally identifiable information in a Timely Warning. Although personally identifiable information is generally protected from disclosure under the Family Educational Rights and Privacy Act (FERPA), such information may be released in an emergency.

### Emergency Notification and Timely Warnings: Sorting Out the Differences

Emergency Notification	Timely Warning
<p><b><u>Scope:</u></b> Wide focus on any significant emergency or dangerous situation</p> <p><b><u>Why:</u></b> Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. San Juan College will initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.</p> <p><b><u>Where:</u></b> Applies to situations that occur on campus.</p> <p><b><u>When:</u></b> San Juan College will initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.</p>	<p><b><u>Scope:</u></b> Narrow focus on Clery Act crimes.</p> <p><b><u>Why:</u></b> Timely Warnings are triggered by crimes that have already occurred but represent an ongoing threat. San Juan College will issue a Timely Warning for any Clery Act crime committed on San Juan College's Clery Act Geography that is reported to a CSA or a local law enforcement agency and that is considered by the institution to represent a serious or continuing threat to students and employees.</p> <p><b><u>Where:</u></b> Applies to crimes that occur anywhere on San Juan College's Clery Act Geography.</p> <p><b><u>When:</u></b> San Juan College will issue a Timely Warning as soon as the pertinent information is available.</p>

## Annual Disclosure of Crime Statistics

### Preparation & Disclosure of Campus Crime Statistics & Annual Security Report

San Juan College complies with the Clery Act by preparing the ASR. San Juan College compiles, publishes, and distributes to all current students and employees, and to any interested applicant for enrollment or employment, information on how to obtain the report. The report provides information regarding campus crime statistics and campus security policies for all San Juan College properties that meet one of the Clery Geography categories specified by the Department of Education.

The ASR is prepared in cooperation with local law enforcement agencies that have a San Juan College property within their jurisdiction. The Clery Act requires that every institution make a reasonable, good-faith effort to obtain Clery Act statistics from all local law enforcement agencies that have jurisdiction over San Juan College's Clery Act Geography. Campus crime, arrest, and referral statistics include those reported to the San Juan College Department of Public Safety, designated CSAs, and the appropriate law enforcement agency.

All enrolled students, as well as faculty and staff, will receive an email notification regarding the availability of the ASR. The notification will provide the website link to access the report. Each year, the ASR is made available on the San Juan College Department of [Public Safety website](#). Copies of the report may also be obtained at the Department of Public Safety offices on the San Juan College main campus at 4601 College Blvd., Farmington, NM 87402. The Department of Public Safety offices (1100 offices) are in the East Classroom Complex, near the Learning Commons Plaza. All prospective employees or students may obtain a copy from the Department of Public Safety by calling 505.566.3263.

This report is prepared by the San Juan College Department of Public Safety, whose responsibility it is to ensure that the required Clery Act disclosures are properly forwarded to campus administrators and community members in accordance with the institution's procedures and Clery Act requirements.

### Reports

When it comes to safety, San Juan College believes that knowledge is power. The Department of Public Safety takes a community-oriented approach to campus safety; therefore, the campus community is as much a part of the Department of Public Safety as the Department of Public Safety is a part of the campus community. A community-oriented approach supports information sharing to ensure that the campus community is well informed and safety conscious.

The Department of Public Safety makes a good faith effort to keep the San Juan College campus community informed about campus crime and campus crime-related problems. The Department of Public Safety develops written incident reports regarding all crimes reported to the department. Copies of reports may be obtained by visiting the Department of Public Safety at

4601 College Blvd., Farmington, NM 87402, Monday through Friday, 8:00 am to 5:00 pm, Mountain Time, or by calling 505.566.3263. Due to FERPA and the Department of Public Safety's responsibility to protect certain personally identifiable information and educational records, information may be redacted in the copies of the reports. The incident reports are used in conjunction with information provided by local law enforcement agencies to compile year-end statistics.

San Juan College will, upon written request, disclose to the alleged victim of a crime of violence (as defined in section 16 of title 18, United States Code) or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by San Juan College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased because of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. San Juan College crime statistics are available in the ASR and online at the [Public Safety website](#).

### **Unfounded Reports**

If a reported crime is fully investigated by sworn or commissioned law enforcement personnel, and, based on the results of the investigation, they make a formal determination that the crime report is false or baseless, the crime will be counted as "unfounded" in the annual disclosure of campus crime statistics. A CSA who is not a sworn or commissioned law enforcement authority cannot designate a report as "unfounded." Statistics for unfounded crimes are presented in a narrative format.

### **Clery Act Geography**

San Juan College campus crime statistics are divided into different categories as defined in the Timely Warnings section above, in compliance with the Clery Act. The different categories include On-Campus, Public Property, and Non-campus. Institutions with residential housing may be required to include an On-Campus Residential category.

### **Hate Crimes**

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, the following eight categories of bias are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability



## San Juan College Main Campus

### Crime Statistics

\* 2024 Law Enforcement statistics are not available at the time of the report.

#### On-Campus

#### Non-Campus

#### Public Property

#### Criminal Offenses

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	1	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	1	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	3	1	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

#### VAWA Offenses

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	1	1	2	0	0	0	0	0	0
Stalking	1	2	0	0	0	0	0	0	0

#### Arrests

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Arrests	4	1	0	0	0	0	0	0	0
Drug Law Arrests	1	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0

## San Juan College Main Campus

### Crime Statistics Continued

\* 2024 Law Enforcement statistics are not available at the time of the report.

#### On-Campus

#### Non-Campus

#### Public Property

#### Disciplinary Referrals

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Referrals	3	1	9	0	0	0	0	0	0
Drug Law Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals	0	0	0	0	0	0	0	0	0

#### Unfounded (All Crimes & Geography)

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Unfounded	0	0	0						

#### Hazing Offenses

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Hazing Offenses			0			0			

#### Hate Crimes

CALENDAR YEAR	LOCATION	OFFENSE TYPE	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	ETHNICITY/NATIONAL ORIGIN	DISABILITY	TOTAL
2022	On-Campus	Assault	2	0	1	0	0	0	1	4
2022	Public Property	Vandalism	0	1	0	0	0	0	0	1
2023	On-Campus	Intimidation	1	0	0	0	0	1	0	2
2023	Non-Campus	Larceny/Theft	0	0	0	1	0	0	0	1
2024	N/A									

## San Juan College 30th Street

### Campus Crime Statistics

\* 2024 Law Enforcement statistics are not available at the time of the report.

**On-Campus****Non-Campus****Public Property****Criminal Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

**VAWA Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Arrests**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0



## San Juan College 30th Street Campus

### Crime Statistics Continued

\* 2024 Law Enforcement statistics are not available at the time of the report.

**On-Campus****Non-Campus****Public Property****Disciplinary Referrals**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Referrals	0	0	0	0	0	0	0	0	0
Drug Law Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals	0	0	0	0	0	0	0	0	0

**Unfounded (All Crimes & Geography)**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Unfounded	0	0	0						

**Hazing Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Hazing Offenses			0			0			

**Hate Crimes**

CALENDAR YEAR	LOCATION	OFFENSE TYPE	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	ETHNICITY/NATIONAL ORIGIN	DISABILITY	TOTAL
2022	N/A									
2023	N/A									
2024	N/A									

## San Juan College West Campus

### Crime Statistics

**On-Campus****Non-Campus****Public Property****Criminal Offenses**

CALENDAR YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

**VAWA Offenses**

CALENDAR YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Arrests**

CALENDAR YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0

## San Juan College West Campus

### Crime Statistics Continued

**On-Campus**
**Non-Campus**
**Public Property**

#### Disciplinary Referrals

CALENDAR YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Referrals	0	0	0	0	0	0	0	0	0
Drug Law Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals	0	0	0	0	0	0	0	0	0

#### Unfounded (All Crimes & Geography)

CALENDAR YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024
Unfounded	0	0	0						

#### Hazing Offenses

CALENDAR YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024
Hazing Offenses			0			0			

#### Hate Crimes

CALENDAR YEAR	LOCATION	OFFENSE TYPE	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	ETHNICITY/NATIONAL ORIGIN	DISABILITY	TOTAL
2022	N/A									
2023	N/A									
2024	N/A									

## San Juan College East Campus

### Crime Statistics

\*2023 Law Enforcement statistics are not available at the time of the report.

#### On-Campus

#### Non-Campus

#### Public Property

#### Criminal Offenses

CALENDAR YEAR	2022	* 2023	2024	2022	* 2023	2024	2022	* 2023	2024
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

#### VAWA Offenses

CALENDAR YEAR	2022	* 2023	2024	2022	* 2023	2024	2022	* 2023	2024
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	1	0	0	0	0	0	0

#### Arrests

CALENDAR YEAR	2022	* 2023	2024	2022	* 2023	2024	2022	* 2023	2024
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0

## San Juan College East Campus

### Crime Statistics Continued

\*2023 Law Enforcement statistics not available at time of report.

#### On-Campus

#### Non-Campus

#### Public Property

#### Disciplinary Referrals

CALENDAR YEAR	2022	* 2023	2024	2022	* 2023	2024	2022	* 2023	2024
Liquor Law Referrals	0	0	0	0	0	0	0	0	0
Drug Law Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals	0	0	0	0	0	0	0	0	0

#### Unfounded (All Crimes & Geography)

CALENDAR YEAR	2022	* 2023	2024	2022	* 2023	2024	2022	* 2023	2024
Unfounded	0	0	0						

#### Hazing Offenses

CALENDAR YEAR	2022	* 2023	2024	2022	* 2023	2024	2022	* 2023	2024
Hazing Offenses			0			0			

#### Hate Crimes

CALENDAR YEAR	LOCATION	OFFENSE TYPE	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	ETHNICITY/NATIONAL ORIGIN	DISABILITY	TOTAL
2022	N/A									
2023	N/A									
2024	N/A									

## San Juan College South Hutton

### Campus Crime Statistics

\* 2024 Law Enforcement statistics are not available at the time of the report.

**On-Campus****Non-Campus****Public Property****Criminal Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

**VAWA Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Arrests**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0

## San Juan College South Hutton

### Campus Crime Statistics Continued

\* 2024 Law Enforcement statistics are not available at the time of the report.

**On-Campus****Non-Campus****Public Property****Disciplinary Referrals**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Referrals	0	0	0	0	0	0	0	0	0
Drug Law Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals	0	0	0	0	0	0	0	0	0

**Unfounded (All Crimes & Geography)**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Unfounded	0	0	0						

**Hazing Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Hazing Offenses			0			0			

**Hate Crimes**

CALENDAR YEAR	LOCATION	OFFENSE TYPE	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	ETHNICITY/NATIONAL ORIGIN	DISABILITY	TOTAL
2022	N/A									
2023	N/A									
2024	N/A									

## San Juan College Food Hub

### Campus Crime Statistics

\* 2024 Law Enforcement statistics are not available at the time of the report.

**On-Campus****Non-Campus****Public Property****Criminal Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

**VAWA Offenses**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Arrests**

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Arrests	0	0	0	0	0	0	0	2	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0



## San Juan College Food Hub

### Campus Crime Statistics

\* 2024 Law Enforcement statistics are not available at the time of the report.

#### On-Campus

#### Non-Campus

#### Public Property

#### Disciplinary Referrals

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Liquor Law Referrals	0	0	0	0	0	0	0	0	0
Drug Law Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals	0	0	0	0	0	0	0	0	0

#### Unfounded (All Crimes & Geography)

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Unfounded	0	0	0						

#### Hazing Offenses

CALENDAR YEAR	2022	2023	* 2024	2022	2023	* 2024	2022	2023	* 2024
Hazing Offenses			0			0			

#### Hate Crimes

CALENDAR YEAR	LOCATION	OFFENSE TYPE	RACE	RELIGION	SEXUAL ORIENTATION	GENDER	GENDER IDENTITY	ETHNICITY/NATIONAL ORIGIN	DISABILITY	TOTAL
2022	N/A									
2023	N/A									
2024	N/A									

## Annual Fire Safety Report

This is the compliance document to the Higher Education Opportunity Act of 2008, also known as the Campus Fire Safety Right-to-Know Regulations. San Juan College prioritizes the personal safety of its students, faculty, staff, and visitors. A campus community relies on a peaceful, safe, and secure environment. Preserving this environment is a responsibility everyone on campus must share. Under the Higher Education Opportunity Act of 2008, all colleges receiving federal funds must report fire safety statistics. Any future renovations will comply with the national fire code.

### Definitions (as defined by the Act)

**Fires:** any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Safety Systems:** any mechanism or system related to detecting a fire, the warning resulting from a fire, or controlling a fire. Examples include sprinkler systems, fire detection devices, standalone smoke alarms, and fire doors and walls.

**Fire Drills:** a supervised practice of a mandatory evacuation of a building for a fire.

**Fire-Related Injuries:** injuries that resulted in treatment at a medical facility, including at an on-campus health center.

**On-Campus Student Housing Facilities:** a dormitory or other residential facility for students on an institution's campus.

### Fire Log

The San Juan College Department of Public Safety maintains a public Fire Log, which may be accessed by visiting the Department of Public Safety in the 1100 wing of the East Classroom Complex. The Fire Log records any fire in an on-campus student housing facility by the date the fire was reported. It includes each fire's nature, date, time, and location. Entries are entered into the log within two days of receipt of the fire report.

### Campus Housing Fire Safety Information

#### Fire Safety Equipment

- Student Residence Hall has smoke detectors in the hallways, student rooms, and public areas.
- The smoke detectors and pull stations are linked to a Central System, monitored by AADI alarm monitoring, which notifies the San Juan County Emergency Communications Authority and informs the Farmington Fire Department and the San Juan College Department of Public Safety.

- Nizhoni Residence Hall has at least one fire extinguisher on each floor. Fire extinguishers are checked on a monthly basis and serviced once a year unless they have been used, then they are replaced immediately.

### **Fire Protocols**

- Fire drills are conducted in the residence hall each semester.
- Fire safety rules and procedures are provided to students in the Student Housing Guide and the Student Handbook.

### **In Case of Fire**

#### **When Moving into a Room**

- Make a note of fire exit plans and alternative routes.
- Make a note of fire exits, alarm boxes, smoke detectors, and extinguishers.

#### **What to Do in the Event of a Fire:**

- Sound the alarm and call 911.
- Upon discovering a fire, put it out with the nearest fire extinguisher if it can be done safely.
- Leave the building via posted instructions or the nearest safe exit.
- Contact student housing staff (RA or RD) or the Department of Public Safety. Provide as much information as possible about the fire. Be mindful of residents with disabilities or the sound sleepers in the area. Where to Go: For Student Housing
- Keep low to the floor if there is smoke in the room. Feel the doorknob and door before opening any doors. If it's hot, DO NOT open the door. If the knob is not warm, open the door slowly. If heat and heavy smoke are in the corridor, close the door and stay in the room.
- If it is impossible to exit the room, seal cracks under the door with clothing items or a rug. Hang an object (sheet or shirt) out the window and close the window. The hanging object will notify fire personnel that the room is occupied.
- When exiting the room, close all doors and windows. When exiting through a smoke-filled corridor/room, move quickly in a crouched position (remember, smoke rises), and place a wet towel or clothing item over your head to prevent severe smoke inhalation. Take short breaths through your nose.
- Exit the building according to the evacuation plan and meet student housing staff at the designated area. Do not re-enter the building for any reason. Stay calm until the re-enter signal is given

**2024 Campus Housing Fire Safety System**

Location	Sprinkler System	% Sprinkler	Monitor Fire Alarm	Smoke Detection	Extinguisher Devices	# Annual Evacuation Drills 2024
Nizhoni	Yes	100	Yes	Yes	Yes	2

**2024 Statistics for Fires in Residence Halls**

Location	Total Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
Nizhoni	0	0	N/A	0	0	\$ 0

**2023 Campus Housing Fire Safety System**

Location	Sprinkler System	% Sprinkler	Monitor Fire Alarm	Smoke Detection	Extinguisher Devices	# Annual Evacuation Drills 2023
Nizhoni	Yes	100	Yes	Yes	Yes	2

**2023 Statistics for Fires in Residence Halls**

Location	Total Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
Nizhoni	0	0	N/A	0	0	\$ 0

**2022 Campus Housing Fire Safety System**

Location	Sprinkler System	% Sprinkler	Monitor Fire Alarm	Smoke Detection	Extinguisher Devices	# Annual Evacuation Drills 2022
Nizhoni	Yes	100	Yes	Yes	Yes	1

**2022 Statistics for Fires in Residence Halls**

Location	Total Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
Nizhoni	0	0	N/A	0	0	\$ 0

## Campus Safety Awareness and Crime Prevention

### Safety Tips



In the San Juan College Student Handbook, and online at the [Department of Public Safety website](#), San Juan College encourages the following safety tips for the campus community:

1. Take the safest route to and from campus, not the fastest route.
2. Travel in groups of two or more at night, and always walk in well-lit, heavily traveled areas.

If you do not have someone to walk with you, please contact the Public Safety Department for an escort by calling 505.566.4444 from any campus phone.

3. Stay on the part of the sidewalk that is farthest away from shrubs, dark doorways, and alleys.
4. Share your schedule only with those who need to know it (family, close friends, etc.).
5. Never share your schedule with anyone you do not know.
6. When you go out, let someone know where you are going and when you plan to be back.
7. Wherever you are, stay alert to your surroundings and the actions of people around you.
8. Follow your instincts. If something does not feel right, change directions, go to an emergency phone or public building, and call the Department of Public Safety.
9. Do not leave your belongings unattended, even for a few minutes.
10. Avoid displaying large amounts of cash or other tempting targets such as jewelry or expensive equipment.
11. Always lock your car and keep valuables out of sight. Check the back seat before getting in.
12. Park in well-lit, well-traveled areas of the parking lot.

### Campus Safety Awareness and Prevention Programs

The Department of Public Safety and San Juan College embrace proactive practices when it comes to campus safety. San Juan College is continuously looking for opportunities to deter and/or prevent crimes, and the campus community is encouraged to do the same. Awareness of campus safety procedures and practices is critical. San Juan College provides several programs for students and employees that deal with safety procedures, safety practices, and crime prevention. In all campus safety programs, San Juan College encourages the campus community to be mindful of and responsible for the safety of themselves and of one another.

## Campus Safety Programs

<b>Program</b>	<b>Frequency</b>	<b>Audience</b>	<b>Description</b>
<b>New Student Orientation Treasure Hunt</b>	Each semester	New students	Discussion with new students regarding campus safety, the prevention of crimes, as well as services of and contact information for the Department of Public Safety.
<b>Student Handbook</b>	Ongoing	All students	Includes information on the Department of Public Safety, the Behavioral Intervention Team, campus safety and crime awareness, and crime prevention safety tips.
<b>New Employee Orientation</b>	Ongoing	New employees	Presentation for new employees regarding campus safety, the prevention of crimes, as well as services of and contact information for the Department of Public Safety.
<b>Employee Handbook</b>	Ongoing	All employees	Includes information on the Department of Public Safety, the Behavioral Intervention Team, and campus safety and crime awareness.
<b>New Adjunct Faculty Orientation (Classroom Management)</b>	Each semester	New adjunct faculty	Presentation for new adjunct faculty regarding campus safety, the prevention of crimes, as well as services of and contact information for the Department of Public Safety.
<b>Personal Protection Class</b>	Ongoing; on request	Employees and students	Presentation on personal safety, personal accountability, crime prevention, and office and classroom safety. Class includes practical exercises on barricading a room, evacuating a building, and taking down an individual threatening personal harm.

<b>Program</b>	<b>Frequency</b>	<b>Audience</b>	<b>Description</b>
<b>General Adjunct Faculty Welcome Back</b>	Each semester	All adjunct faculty	Presentation for all adjunct faculty regarding campus safety, the prevention of crimes, as well as services of and contact information for the Department of Public Safety.
<b>Active Shooter Simulations</b>	Ongoing	Employees and students	Presentation on active shooter incidents. Presentation leads to a full-scale active shooter simulation, in collaboration with the Farmington Police Department. Participants are asked to Run or Hide once an active shooter has been identified. Participants are graded on their response.
<b>Computer Lab Assistant Orientation</b>	Each semester	Computer lab assistants	Presentation for computer lab assistants regarding campus safety, the prevention of crimes, as well as services of and contact information for the Department of Public Safety.
<b>Suns On Guard</b>	Ongoing	Employees and students	Presentation on how to decrease your chances of experiencing an assault through situational awareness and self-defense training. This class teaches you how to present yourself as a strong and confident individual. You'll gain practical, effective, yet simple and easy hands-on techniques to fight off an attacker. Classes will be for female-only and co-ed participation.
<b>Mass Casualty Awareness &amp; Response</b>	On request	Employees and students	Presentation on mass casualty incidents. Includes research from the FBI; response options of Run, Hide, Fight, as taught by the Department of Homeland Security; practical exercise of Run, Hide, Fight; information on

<b>Program</b>	<b>Frequency</b>	<b>Audience</b>	<b>Description</b>
			Rave Alerts; and a review of San Juan College's All Hazards Approach.
<b>Convocation Campus Safety Training</b>	Each semester; on request	All employees (mandatory); open to students	Presentation for all employees regarding campus safety, the prevention of crimes, as well as services of and contact information for the Department of Public Safety. Presentation is different each semester to ensure employees receive new, timely, and relevant information.
<b>Safety Escorts</b>	Ongoing	Employees and students	Department of Public Safety officers will provide a walking escort for any student or employee who may feel unsafe while walking from one place to another on campus.
<b>Behavioral Intervention Team Training</b>	Ongoing; on request	Employees and students	Presentation on the Behavioral Intervention Team, including a discussion of what it is, what the team does, how it works, how to report, and what to report.
<b>Facilities Development &amp; Design</b>	Ongoing	Employees	A Department of Public Safety representative is on the San Juan College Facilities Improvement Team (FIT). Facility development and design is vetted through the FIT to ensure satisfactory review with regard to campus safety and crime prevention.

San Juan College is committed to the continual development of crime prevention programs, training, and initiatives. Please contact the Department of Public Safety at 505.566.3263 for additional information or with recommendations.





## Drug and Alcohol Policy

Students and employees are San Juan College's most valuable resources, and their health and safety are matters of serious concern. It is the goal of San Juan College to protect the public health and environment of all members of the College by promoting a drug-free work environment in accordance with the Drug Free Workplace Act of 1988, and the Drug Free Schools and Campuses Act Amendment of 1989. San Juan College, therefore, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substances, alcohol, or illegal drugs on its premises.

San Juan College prohibits underage use of alcohol and will enforce State underage drinking laws fully. San Juan College prohibits the sale of alcohol on its premises.

Students and employees have the right to an environment free from the effects of substance abuse. The term "substance abuse," as used in this policy, refers to the use of illegal drugs or controlled substances and the consumption of alcohol in quantities to the extent that an individual is unable to perform in a safe and productive manner. Students and/or employees who violate the provisions of this policy may be subject to disciplinary action.

San Juan College recognizes drug/alcohol dependency as an illness and major health problem. The College also recognizes drug/alcohol abuse as a potential health, safety, and security

problem to the institution. Employees needing help in dealing with such problems may contact Human Resources or their respective Vice President for referrals to available substance abuse education, treatment, and rehabilitation programs, and to obtain information relative to insurance coverage for such programs. Voluntary, conscientious efforts to seek such help will not, per se, jeopardize an employee's job. Students may contact the Advising and Counseling Center for referrals to available substances abuse education, treatment, and rehabilitation programs.

As a condition of continued registration and enrollment, any student of San Juan College shall abide by this policy. Violation of this policy by a student shall result in disciplinary action, up to and including expulsion. The College reserves the right to administer a drug screening of any student suspected of substance abuse. For more detailed information, students should contact the Advising and Counseling Center.

Violation of this policy for an employee may result in disciplinary action, including termination, as described in the *San Juan College Employee Handbook*. In addition to possible disciplinary action, the College, at its sole discretion, may refer an employee for assessment. Employees who undergo counseling and treatment for drug/alcohol abuse and who continue to work must meet all established standards of conduct and/or performance.

## **Student Drug and Alcohol Policy**

The information contained below is from the 2020-21 Student Handbook regarding Drugs and Alcohol on college property:

### **Prohibited Conduct**

Any student or student organization found to have committed the following acts ("Prohibited Conduct") is subject to disciplinary sanctions issued by the College.

- Use, possession, manufacture, cultivation, being in the presence of, or distribution on the College's property or at College sponsored events of marijuana, synthetic cannabinoids, heroin, narcotics, other controlled substances as defined by any applicable law, or drug paraphernalia (including objects used or intended for drug consumption), except as expressly permitted by law.
- Intentionally inhaling or ingesting any foreign substance that alters a student's mental state. The nonmedical use of prescription medication on the College's property or at College sponsored events. This includes possession and distribution of medications that are off label and those that are not prescribed to the person in question or use of prescription medication at a rate not congruent with the prescription.
- Use, possession, manufacture, distribution, and being under the influence of alcoholic beverages except as expressly permitted by state law and regulations, or public intoxication on College premises or College sponsored activities.

- Driving, operating, or controlling a motor vehicle on College property or while attending a College sponsored event while impaired by the slightest degree by any intoxicating substance.
- Distribution or attempted distribution of alcoholic beverages (including powder forms of alcohol), in any circumstances, by or to any person who is legally prohibited to possess the same.

## **Employee Drug and Alcohol Policy**

### **Standards of Conduct for Employees**

San Juan College policy prohibits the following:

- a. Use, possession, manufacture, distribution, dispensation or sale of illegal drugs, alcohol or controlled substances on campus premises or while operating College vehicles;
- b. Being under the influence of an unauthorized controlled substance, illegal drug, or alcohol while on College premises or vehicles;
- c. Conviction under any criminal drug statute for a violation occurring in the workplace, or under circumstances which adversely affects the College's reputation in the community;
- d. Excluded from this policy are official College functions called by the President under the restrictions specified in the College liquor license.

Violation of any of the above stated Standards of Conduct may result in disciplinary action, including termination as described in the *San Juan College Employee Handbook*. In addition to possible disciplinary action, the College, at its sole discretion, may refer an employee for assessment. Employees who undergo counseling and treatment for drug/alcohol abuse and who continue to work must meet all established standards of conduct and/or of performance.

### **Disciplinary Sanctions - Employees**

When a supervisor reasonably believes that an employee is under the influence of drugs or alcohol or is violating the boundaries of this policy, the supervisor will see that the employee is removed to a safe, non-threatening environment. An employee's refusal to comply will be considered insubordination subject to discipline. Supervisors will not make diagnoses. Promptly after the removal, the supervisor will review the incident with the appropriate Vice President, or if the employee falls under the direct line of authority of the President, the Executive Vice-President, or the Associate Vice President, Human Resources and Legal Activities, the employee and others needed to determine whether sufficient evidence exists to support violation to this policy, and recommend appropriate action.

Failure to follow a directive for substance abuse assessment and/or to improve work performance to an acceptable level will be justification for disciplinary action on the same basis as any other employee whose work performance is unsatisfactory.

a. Convictions Under the Criminal Drug Statute

Employees must, as a condition of employment, abide by the terms of this policy and must report their own conviction under a criminal drug statute for violations occurring either in the workplace or during the performance of work-related duties within five (5) days after the conviction, as required by the Drug Free Workplace Act of 1988. Supervisors will inform the Associate Vice President, Human Resources and Legal Activities, and the Director/Vice President through appropriate channels of any notifications received.

b. Education and Training

To assist employees in understanding and avoiding the perils of drug and alcohol abuse, San Juan College will provide ongoing educational efforts to prevent and eliminate drug/alcohol abuse that may affect the College environment. Educational information will be provided about the:

1. the dangers of drug and alcohol abuse in the workplace;
2. the College's policy;
3. the availability of treatment and counseling for employees and students;
4. a description of the applicable legal sanctions under local, state and federal law for the unlawful possession or distribution of illicit drugs and alcohol;
5. a description of health risks associated with the use of illicit drugs or alcohol; and
6. sanctions the College will impose for violations of this policy.

c. Treatment Programs

Early recognition and treatment of drug/alcohol abuse are important for successful rehabilitation. San Juan College encourages the earliest possible diagnosis of and treatment for drug/alcohol abuse. Whenever feasible, the College will assist employees in seeking treatment. However, the decision to seek diagnosis and accept treatment is primarily the individual's responsibility.

Deer Oaks EAP Services – Is provided by San Juan College, at no cost to you. Your participation is completely confidential and can be utilized by you and your immediate family. It is completely staffed by trained professionals in problem identification and problem-solving techniques. It provides a place where you can go for help with the difficulties that affect your life, offering assistance in finding answers for you and your family. Deer Oaks EAP Services, 126 East Main Plaza, San Antonio, TX 78205.

Deer Oaks EAP Services.....	1.866.EAP.2400
Al-Anon & Alateen .....	505.324.6424
Alcohol & Drug Abuse Information HELPLINE-Albuquerque .....	1.800.962.8963
Alcoholics Anonymous Central Office.....	505.327.0731

Charter-Heights Behavioral Health System-Albuquerque .....	1.800.688.6555
Four Winds Addiction Recovery Center .....	505.327.7218
Piñon Hills Behavioral Health System-Albuquerque.....	1.800.234.8000
Presbyterian Medical Services Community Counseling Center .....	505.325.0238
San Juan Counseling Services.....	505.599.9170

### **Federal Legal Sanctions – Controlled Substances**

Federal trafficking penalties and sanctions for methamphetamine, heroin, cocaine, PCP, LSD, Fentanyl, and Fentanyl Analogs vary depending on the quantity of drugs involved and whether the offense is the first or a repeat offense. Prison sentences range from years to life. Fines for trafficking in these drugs range from two to eight million dollars. Federal trafficking penalties and sanctions for marijuana range from 10 years to life imprisonment, depending on the quantity involved and whether the offense is a first or repeat offense. Fines range from \$250,000 to \$8 million.

### **State of New Mexico Legal Sanctions – Controlled Substances**

Possession of cocaine and heroin are fourth-degree felonies. Trafficking of either of them is a second-degree felony, punishable by up to nine years in the State Penitentiary and/or a \$10,000 fine. Second offenses are first-degree felonies punishable by up to 18 years and/or a \$15,000 fine.

### **State of New Mexico Legal Sanctions - Alcohol**

It is unlawful for any person who:

- a. Is under the influence of liquor to drive any vehicle within the State of New Mexico. Is under the influence of any drug to a degree, which renders him incapable of safely driving a vehicle to drive any vehicle within this state.
- b. Has one-tenth of one percent or more by weight of alcohol in his blood to drive any vehicle within this state.

### **Visitor and Guest Drug and Alcohol Policy**

Violations of College policy and rules, local, state, and federal laws will not be tolerated, and penalty procedures will be implemented for, but not excluded to:

- The use, possession, or consumption of alcohol; the unlawful possession, use, distribution or sale of any narcotic, controlled substance, dangerous drug or drug paraphernalia; or to intentionally use, smell, sniff, consume or inhale the liquid, fumes, or vapors from a glue, mouthwash, an aerosol spray project or other chemical substance, for the purpose of causing a condition of or inducing symptoms of intoxication, elation, euphoria, dizziness,

excitement, irrational behavior, exhilaration, stupefaction or dulling of the senses or for the purpose of in any manner changing, distorting, or disturbing the audio, visual or mental process while on campus premises, lab sites and/or during any San Juan College sponsored or related event. Reports of a visitor or guest suspected of possession or use of alcohol, drugs, or the aforementioned objects will be brought to the Vice President for Student Services office by San Juan College Public Safety Office. This office will determine the penalty action to be taken.

## Weapons Policy



San Juan College prohibits the possession, storage, or use of any knife, club, firearm, incendiary, or explosive device on campus, including any device that may be lawful but could inflict harm. All devices will be confiscated and become the possession of the Department of Public Safety. San Juan College also enforces all laws and ordinances prohibiting the manufacture, sale, purchase,

transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Enforced State of New Mexico laws include all sections listed under Article 7 of the New Mexico Criminal and Traffic Law Manual. Enforced Farmington ordinances include those listed under the City of Farmington Municipal Codes, Chapter 18, Article 5, and Division 2.

## Sex Offender Registry

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registry Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, San Juan College provides a link to the [New Mexico Public Sex Offender Registry](#). All sex offenders are required to register in the state of New Mexico and provide notice to each institution of higher education in New Mexico at which the person is employed, carries a vocation, or is a student.

The San Juan County Sex Offender Registry can be accessed at the [San Juan County NM Sheriff's Office Offender Watch](#). In addition to the above notice to the State of New Mexico, all sex offenders are required to deliver written notice of their status as a sex offender to the Director of the San Juan College Department of Public Safety no later than ten (10) business days prior to their enrollment in, employment with, or volunteering at San Juan College. Any sex offender enrolling in any courses, clubs, or programs offered by San Juan College must register with the Department of Public Safety. Such notifications may be disseminated by San Juan College to, and for the safety and well-being of, the College community. Any sex offender who fails to notify the College and the Department of Public Safety of his/her presence will be subject to disciplinary action that may include a trespass from San Juan College property, academic probation, employment probation, or other measures deemed necessary on a case-by-case basis.



Members of the campus community who are interested in accessing law enforcement agency information concerning registered sex offenders at San Juan College can visit the [Department of Public Safety Website](#).

Additional information can be obtained by visiting the following links:

- [National Sex Offender Registry](#)
- [San Juan County Sex Offender Listing](#)



## Clery Act Crime Definitions

The following are definitions of crimes that the Clery Act requires institutions to report:

**Aggravated Assault** — An unlawful attack by one person upon another for inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Arson** — 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 of another, etc.

**Bias** — A preformed negative opinion or attitude toward a person or group of people based on their disability, ethnicity, gender, gender identity, national origin, race, religion, or sexual orientation.

**Burglary** — The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition requires evidence of an unlawful entry (trespass); the unlawful entry must occur in a structure, which is defined as having four walls, a roof, and a door; and the structure was entered to commit a felony or theft.

**Course of Conduct** - Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Dating Violence** — Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Destruction/Damage/Vandalism of Property** — To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Domestic Violence** — A felony or misdemeanor crime of violence committed:

- a. By a current or former spouse or intimate partner of the victim.
- b. By a person with whom the victim shares a child in common.
- c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- e. 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.

To classify an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**Drug Abuse Violation** - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Relevant substances include opium or cocaine and their derivatives (morphine, heroin, and codeine); marijuana; synthetic narcotics — manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous narcotic drugs (barbiturates, Benzedrine).

**Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Hate Crimes** – All of the crimes listed above, and any other criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

**Illegal Weapons Possession** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Intimidation** - To unlawfully place another person in reasonable fear of bodily harm with threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny/Theft** - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

**Liquor Law Violation** - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Manslaughter by Negligence** – The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless regard of the consequences affecting the life or property of another.

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle.

**Murder/Non-Negligent Manslaughter** – The willful (non-negligent) killing of one human being by another.

**Rape** - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Reasonable Person** - A reasonable person under similar circumstances and with similar identities to the victim.

**Robbery** - 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** - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Sexual Assault** – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

**Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

**Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

**Substantial Emotional Distress** — Significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.