

Southwestern Indian Polytechnic Institute
Albuquerque, New Mexico



The Clery Campus Security Report 2009

In accordance with *The Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act*, also known as *The Clery Act*, the Southwestern Indian Polytechnic Institute (SIPI) provides information about campus crime to make students, faculty, staff, and the public aware of any crime that may occur on campus.

The Clery Act requires higher education institutions to give timely warnings of crimes that may represent a threat to the safety of anyone on campus, and to make public all campus security policies. It also requires that crime data be collected, reported, and disseminated to the campus community and submitted to the U.S. Department of Education. The act is intended to provide students, prospective students and their families with accurate, complete, and timely information about safety on campus, so that they can make informed decisions about the relative safety of the institution.

The Clery Act requires all private and public postsecondary institutions participating in Federal Title IV student aid programs to comply with Clery Act regulations. All Title IV institutions have signed Program Participation Agreements (PPA) with the U.S. Department of Education to administer Federal student aid programs.

These programs include: Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), the Federal Work Study Program, Federal Plus Loans, the Federal Family Education Loan Program (FFELP), the Direct Loan Program, and the Leveraging Education Assistance Partnership (LEAP).

Note:

Sections of this policy statement, such as the Administrative Disciplinary Action process, are currently under review and are subject to revision and may be changed at any time. SIPI will notify the SIPI community once those changes are in effect.

Annual Disclosure of Crime Statistics

SIPI's Security and Safety Office, in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*, has prepared this Clery Campus Security Report for 2009. A copy of SIPI's annual Security Report is available to current students, faculty, and staff, as well as prospective students and employees. This report includes statistics for the past three years on reported crimes that occurred on campus; in on-campus buildings or property owned or controlled by SIPI; and on property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security and other related matters.

A copy of this report may be obtained by contacting SIPI's Security and Safety Office or accessing the following website: www.sipi.edu/. In addition to making the report readily available via the website, employees are notified via email of the report's release; and it is also made available in high-traffic areas of the campus, such as libraries and dormitories. Copies of the report may also be obtained at the SIPI Security and Safety Office or the Admissions Office, both located in the Administration Building. Statistical information on crimes reported on the SIPI campus, and other higher education institutions, can also be found on the U.S. Department of Education's website:

<http://ope.ed.gov/security/index.asp>.

The Clery Act requires institutions to disclose three general categories of crime statistics:

1. **Types of Offenses**

- a. Criminal Homicide, including:
 - i. Murder
 - ii. Non-Negligent Manslaughter
 - iii. Negligent Manslaughter
- b. Sex Offenses, including:
 - i. Forcible
 - ii. Non-forcible
- c. Robbery
- d. Aggravated Assault

2. **Hate Crimes.** Disclose whether any of the above-mentioned offenses, or any other crimes involving bodily injury, were hate crimes.

3. **Arrests and Referrals for Disciplinary Action** for illegal weapons possession and violation of drug and liquor laws

SIPI Crime Statistics

Criminal Offenses

Criminal Offenses: On Campus

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex Offenses - Forcible	0	0	0
d. Sex Offenses - Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	2	2	0
f. Aggravated assault	6	6	2
g. Burglary	1	1	1
h. Motor vehicle theft	0	0	1
i. Arson	0	0	0

Criminal Offenses: Residence Halls

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex Offenses - Forcible	0	0	0
d. Sex Offenses - Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	1	0	1
g. Burglary	0	3	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

Criminal Offenses: Public Property

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex Offenses - Forcible	0	0	1
d. Sex Offenses - Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	1
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

Criminal Offenses: Reported by Local and State Police

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses: Forcible	0	0	0
d. Sex offenses: Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

Hate Crimes

A summary of the criminal offenses is listed below which any reported occurrences manifest evidence of prejudice as listed below. Data is collected of the six types of prejudices, as prescribed by the Hate Crimes Statistics Act (28 USC 534), is as follows:

1. Race
2. Gender
3. Religion
4. Sexual orientation
5. Ethnicity/ National origin
6. Disability

Hate Crimes: On Campus

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses: Forcible	0	0	0
d. Sex offenses: Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	1	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0
j. Any other crime involving bodily injury	1	0	0

Hate Crimes: On Campus Residence Halls

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses: Forcible	0	0	0
d. Sex offenses: Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	1	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0
j. Any other crime involving bodily injury	0	0	0

Hate Crimes: Public Property

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses: Forcible	0	0	0
d. Sex offenses: Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0
j. Any other crime involving bodily injury	0	0	0

Hate Crimes: Reported by Local and State Police

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses: Forcible	0	0	0
d. Sex offenses: Non-forcible (Incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0
j. Any other crime involving bodily injury	0	0	0

Arrests

For the criminal offenses listed below, the statistics do not include drunkenness or driving under the influence in liquor law violations.

Arrests: On Campus

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Illegal weapons possession	0	0	0
b. Drug law violations	1	1	0
c. Liquor law violations	0	0	5

Arrests: Residence Halls

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	2

Arrests: Public property

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

Arrests: Reported by Local and State Police

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions

For the criminal offenses listed below, the statistics do not include drunkenness or driving under the influence in liquor law violations.

Disciplinary Actions: On Campus

	<u>Year: 2006</u>	<u>2007</u>	<u>2008</u>
a. Illegal weapons possession	1	2	1
b. Drug law violations	15	15	18
c. Liquor law violations	9	9	39

Disciplinary Actions: Residence Halls

	<u>Year: 2006 2007 2008</u>		
a. Illegal weapons possession	5	4	3
b. Drug law violations	26	11	14
c. Liquor law violations	54	33	23

Disciplinary Actions: Public Property

	<u>Year: 2006 2007 2008</u>		
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions: Reported by Local and State Police

	<u>Year: 2006 2007 2008</u>		
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

Procedures for Employees, Students, and Others to Report Criminal Actions or Other Emergencies on the SIPI Campus

SIPI encourages anyone who is the victim of or a witness to any crime occurring on or near the SIPI campus, to promptly report the incident to a SIPI Security Guard, as well as the appropriate law enforcement agency.

To contact SIPI Security to report a crime or a violation of SIPI's Articles of Conduct occurring on the SIPI campus, call:

1. Security Guard on-duty: (505) 263-7531
2. SIPI Security Office: (505) 346-2323

Victims of or witnesses to any crime occurring on the SIPI campus are advised also to report the incident to the Bernalillo County Sheriff's Office (BCSO) at: (505) 798-7000.

Victims of or witnesses to any crime occurring within the Albuquerque city limits, but outside the SIPI campus, are advised to report the incident to the Albuquerque Police Department (APD) at:

1. Emergencies: 911
2. Non-emergencies: (505) 242-2677 (242-COPS)

Fire or medical emergency:

To report a fire or medical emergency, call: **911**.

SIPI's physical address is:

9169 Coors Blvd. NW
Albuquerque, NM 87120

Victims of or witnesses to any crime occurring outside the Albuquerque city limits or outside Bernalillo County are advised to contact the law enforcement agency for that area.

Members of the SIPI community who observe someone drinking and driving are advised to report it to the DWI Hotline, Toll-free, statewide, at: 1-877-394-4258 (1-877-DWI-HALT) or with a cell phone #DWI (#394).

Because police reports are public records under New Mexico state law, law enforcement agencies cannot hold crime reports in confidence. Under most circumstances, confidential reports for the purpose of inclusion in SIPI's annual disclosure of crime statistics can generally be made to certain members of SIPI's counseling staff.

Individuals who wish to report a crime occurring on the SIPI campus and who prefer that the report remain confidential may report the incident to the following employees:

- Special Needs Counselor: (505) 346-2319
- Substance Abuse Counselor: (505) 346-2366

SIPI policies and procedures do not allow for all crimes to be reported on a confidential basis or simply for the purpose of inclusion in SIPI's annual security report. Contact the Special Needs Counselor or Substance Abuse Counselor for more information regarding the circumstances under which reported crimes may not remain confidential.

Security of and Access to SIPI Campus Facilities

The Bureau of Indian Education (BIE) owns the property upon which the SIPI campus is located. Because the SIPI campus is, therefore, federal property, access to the campus is regulated by U.S. Department of the Interior (DOI) and BIE policies, and is subject to similar security measures as other DOI and BIE properties.

The Albuquerque Indian Dental Clinic (AIDC) is also located on the property and is open to AIDC employees, contractors, dental patients and their families, and other visitors to AIDC.

Due to increased security precautions at all federal facilities, the only authorized entrance for vehicles and/or pedestrians is the main campus entrance, which is located in the northwest section of the campus. This access point leads to and from Coors Boulevard. All other gates for vehicular and pedestrian traffic are locked and off limits unless otherwise posted.

All persons entering the campus, and while on the SIPI campus, are required to obtain visitors' passes as well as parking passes for their vehicles. Valid photo identification is required at all times by anyone on the SIPI campus or wishing to gain access to the SIPI campus, including the AIDC.

Federal employees, contractors, and students of SIPI and AIDC are required to obtain non-transferable parking passes for each of their personally owned vehicles (POV) that they intend to park on the SIPI campus. Non-transferable parking tags are available from the SIPI Security Office, located in Room 111 of the SIPI Administration Building.

In the event that the Homeland Security Threat Condition increases or if any other emergency situation exists, such as activation of the Code Adam program, additional security measures will be implemented with little or no advance warning. In an emergency, the SIPI President or law enforcement may control access to the campus and prevent any individual from entering and/or leaving the campus.

Visiting hours during the Trimester is from 8:00 a.m. to 10:00 p.m. daily. Breaks between Trimesters when students are not residing in the dormitories, visiting hours to the campus are limited from 8:00 a.m. to 4:00 p.m., unless otherwise posted. Inclement weather, emergency situations or other unusual circumstances may require changes or alterations to any posted visitation or class schedules.

The Administration Building and most academic buildings on the SIPI campus are open at 7:45 a.m., Monday through Friday, and are closed at 4:30 p.m., although some regularly scheduled classes during the week begin after this time, and other classes may meet on weekends. Appropriate academic buildings will be opened to accommodate those classes. The Dining Hall and Gymnasium have separate hours of operation, which are posted at the main entrances to each building.

The main entrances to the dormitories are open from 7:00 a.m. until 12:00 p.m. All other dormitory doors are locked at all times. The main entrances at the dormitories are the only authorized entrances and exits. All other doors are for emergency use only.

Law Enforcement on the SIPI Campus

The Bernalillo County Sheriff's Office (BCSO), along with the New Mexico State Police and the Federal Bureau of Investigation (FBI), have law enforcement jurisdiction at SIPI, and are authorized to apprehend and arrest anyone involved in illegal acts on the SIPI campus and areas immediately adjacent to the campus.

SIPI Security Guards do not have power of arrest, but do maintain a working relationship with local law enforcement agencies. SIPI Security Guards are authorized to conduct positive ID checks and to search persons, vehicles, rooms, closets, and containers such as bags and suitcases.

Students suspected of violating one or more Articles of Conduct, as defined in the SIPI Student Handbook, are subject to SIPI's administrative disposition process, as well as arrest and/or prosecution under applicable laws.

Visitors suspected of violating one or more Articles of Conduct, as defined in the SIPI Student Handbook, are not subject to the administrative disposition process itself, but must follow applicable rules of conduct on federal property and are subject to arrest and prosecution under applicable laws, as well as being barred from returning to the SIPI campus.

The administrative disposition process is outlined in the SIPI Student Handbook, where student rights and responsibilities under federal law and bureau policies are also outlined.

Reporting Crime

The Crime Stoppers program started here in Albuquerque in 1976. There are now more than 1,100 Crime Stoppers programs throughout the world, in 16 countries. And, in addition to the original program, [Campus Crime Stoppers](#) is now in dozens of local schools, providing a safe environment for our K-12 students to learn and grow.

A link to the Albuquerque Metro Crime Stoppers program can be found on the SIPI website at: www.sipi.edu/about/public-disclosures/.

SIPI does not have its own police department to investigate crimes occurring on the SIPI campus. Safety and security is everyone's responsibility. All victims and witnesses are strongly encouraged to immediately report any crimes and/or violations of SIPI's Articles of Conduct to a SIPI Security Guard or other employee under the guidelines previously outlined.

SIPI supports the Albuquerque Metro Crime Stoppers program. If you have knowledge of a crime, you can report the information anonymously at www.tipsubmit.com/WebTips.aspx?AgencyID=531. If the information provided leads to an arrest and conviction, you may receive a monetary reward from the Albuquerque Metro Crime Stoppers program.

You can also "text" a tip to the Albuquerque Metro Crime Stoppers program from your cell phone by sending your tip to "APD". There is no direct cost to the public imposed to utilize this service, however standard text messaging rates may apply based on the subscriber's plan with their mobile phone carrier.

Supported Carriers: Alltel, AT&T, Boost Mobile, Cellular One, Nextel, T-mobile, Sprint, US Cellular, Verizon Wireless, Virgin Mobile. For more information regarding texting a tip, go to <http://www.smscrimetips.com/>

Professional Counselors

SIPI's counselors are required to report crimes in certain situations and are required to inform the persons they are counseling of procedures used to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

For more information on which circumstances do not allow for confidential reporting, consult a counselor at the Occupational Technologies Building or call (505) 346-2319 or (505) 346-2331.

Information Programs

At the beginning of each Trimester, all students living in the dormitories are provided an orientation to living on the SIPI campus. This orientation includes reminders that security guards cannot be in all places at all times to ensure their safety; therefore, students should take simple precautions to ensure their own safety and that of their belongings.

Crime Awareness and Prevention

Students are advised to take simple steps to ensure their own safety, such as traveling in groups, especially at night; ensuring that their personal belongings, medication, and other valuables are secured in a locked closet; and locking their rooms, even when leaving for just a few minutes.

Other information is provided throughout the trimester, such as crime prevention awareness sessions on theft, domestic violence, sexual assault, and alcohol and drug abuse. Schedules are posted in the dormitories, gymnasium, Academic Support Center, and other locations around campus to inform all students and employees when and where they can learn more about lowering their risks of becoming crime victims.

Other than scheduled orientations and crime prevention awareness sessions, SIPI does not currently conduct additional crime prevention programs.

Clubs

All SIPI student activity clubs are considered "on-campus" clubs. SIPI does not oversee any student activity clubs that would be considered "off-campus" clubs, although some SIPI clubs may engage in activities occurring outside the SIPI campus. If a crime occurs at any off-campus event organized by a SIPI club, local law enforcement agencies have complete jurisdiction. Therefore, SIPI does not include off-campus criminal activity in the annual Clery report of crime statistics to the U.S. Department of Education.

Alcohol

The possession, use, and sale of alcohol on the SIPI campus are strictly prohibited. Persons found to be under the influence of alcohol, in the possession of alcoholic containers, consuming alcohol, and/or selling alcohol on the SIPI campus are subject to SIPI's Articles of Conduct as well as possible criminal prosecution. In the State of New Mexico, providing alcohol to minors (defined as any person under the age of 21) is considered a felony.

Sanctions for alcohol violations may be imposed on students and visitors, and may include suspension from SIPI and/or being barred from returning to the SIPI campus for an extended period of time. Visitors found in violation of this policy will be barred from the SIPI campus and may also be subject to criminal prosecution.

Illegal Drugs

The possession, use, and sale of illegal drugs on the SIPI campus are prohibited. Persons found in the possession of, use of, and/or sale of illegal drugs on the SIPI campus are subject to SIPI's Articles of Conduct and/or criminal prosecution. Sanctions that may be imposed on students for illegal drug violations may include suspension from SIPI and/or being barred from returning to the SIPI campus for an extended period of time. Visitors found in violation of this policy will be barred from the SIPI campus and may also be subject to criminal prosecution.

Alcohol and Illegal Drug Abuse Prevention

SIPI has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to the prevention of drug use and abuse, including dissemination of information and materials, educational programs, counseling services, referrals, and college disciplinary actions.

SIPI staff coordinates the college's Drug-Free School Program activities. These activities are voluntary, and include:

- Alcohol and Drug Education
- Counseling Services
- Referral Services
- Disciplinary Actions

Students should refer to their Student Handbook for more information. Federal Employees should consult their Federal Employee Handbook.

Drug-Free Workplace

In accordance with Executive Order 12564, Drug-Free Federal Workplace, dated September 15th, 1986, SIPI's policy was issued September 19, 1989, in fulfillment of federal requirements. This policy prohibits the unlawful use of controlled substances in the workplace, provides penalties for employees convicted of drug-related violations on the job, and establishes employee awareness and counseling resources. The entire policy statement is located in the office of SIPI's Vice President of College Operations.

Weapons

In accordance with 41 CFR 102-74.440, Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 USC 930.

The term "dangerous weapon" is defined under 18 USC 930(g)2 as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

Administrative Disposition

SIPI retains the right to conduct a disciplinary review when a student is suspected of violating one or more of the Articles of Conduct. The rules of procedure shall seek an Administrative Disposition hearing with the alleged offender. The Administrative Disposition process is separate from any criminal charges & procedures which may arise.

When a hearing is pursued, the college shall ensure that the procedural due process is safeguarded, i.e., the process is fair, provides effective ways of getting to the truth, provides sufficient opportunity for all involved to make their case and provides resolution, all in a time-and cost-efficient manner.

The burden of proof needed to find the accused guilty of violating an infraction of SIPI's Articles of Conduct is much lower than what is required in a criminal or civil trial, which is "beyond a reasonable doubt" or "preponderance of the evidence", respectively.

The standard in which SIPI will make a determination in the Administrative Disposition Process is if there is "substantial evidence" that a violation of SIPI's Articles of Conduct occurred.

Substantial evidence means "more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Where there is such relevant evidence as reasonable minds might accept as adequate to support a conclusion even if it is possible to draw two inconsistent conclusions from the evidence.

'Substantial' evidence is not synonymous with 'any' evidence. To constitute sufficient substantiality to support the verdict, the evidence must be 'reasonable in nature, credible, and of solid value; it must actually be "substantial" proof of the essentials in a particular case.

While substantial evidence may consist of inferences, such inferences must be 'a product of logic and reason' and 'must rest on the evidence'; inferences that are the result of mere speculation or conjecture cannot support a finding.

Administrative Disposition Process

Administrative disposition involves a conference between the college and the alleged offender, at which time the violation shall be discussed and resolution sought.

1. If a SIPI staff or faculty member reasonably suspects that a person is violation of one or more of the Rules and Regulations governing conduct on Federal property and/ or SIPI's Articles of Conduct, that person is required to immediately provide valid proof of identification to the staff/ faculty member and any item that may be considered to be evidence of the violation (i.e. alcohol, drug paraphernalia, etc).

All person's, whether they are involved in an incident, or a witness to an incident, are required to provide satisfactory proof of identification upon demand. SIPI students will provide their SIPI Student ID card as proof of identification.

Non-students may provide a valid government (state or Tribal) issued photo identification card that contains:

1. The person's name,
2. Date of Birth,
3. Physical Address,
4. Identification Number, and
5. Expiration Date.
2. If a person is determined to be in violation of suspected of being under the influence of Alcohol and/ or drugs:
 - I. Residential student: residential students will be advised to return to their dorm room, and should remain in their dorm room until they are no longer under the influence of alcohol and/ or drugs to prevent harm to the student and/ or further disruption. Students will not be permitted to address their violation(s) while they are under the influence of alcohol and/ or drugs.
 - II. Commuter student & Non-student/ Visitors: commuter students and non-students/ visitors must leave campus with a responsible adult, not to return to campus until the student addresses their violation(s). Commuter students & non-students/ visitors must contact a responsible adult to take them home to prevent harm to themselves, others and/

or further disruption.

III. In the event the student is belligerent, threatens anyone, is combative, or causes a disruption of any kind, while under the influence of alcohol or illegal non-prescription drugs, then that student may be immediately suspended from SIPI for the remainder of the Trimester.

3. If a person is suspected to be in violation of SIPI's Articles of Conduct:
 - a) Residential student: residential students are to return to their dorm room, and remain in their dorm room until they address their violation(s), to prevent harm to the student, or further disruption.
 - b) Commuter students & non-students/ visitors: commuter students & non-students/ visitors must leave campus, not to returning to campus until the student addresses their violation(s).
4. Depending on the nature of the incident, criminal charges may be filed against persons suspected of committing crime(s) on the SIPI campus, in addition to Administrative Disposition of the incident. If criminal charges are filed:
 - a) students may immediately be suspended temporarily from SIPI, pending the final resolution of the criminal charges;
 - b) costs associated with arrest (bail, bond, fines, attorney fees, etc.) are to be borne solely by the person arrested;
 - c) students charged with felony crimes will be suspended from campus until all felony charges are dropped, dismissed or the student is proven not-guilty by a court of law;
 - d) students convicted of criminal charges may be suspended from SIPI pending completion of any jail/ prison time, payment of fines and/ or restitution in full, and completion of any probation and/ or parole;
 - e) students convicted of felony criminal charges may be permanently suspended from SIPI;

- f) students must provide written documentation that any and all charges have been dropped, dismissed, any parole/probation time has been completed and any fines and/ or restitution have been paid in full, or have been proven not-guilty in a court of law, prior to the student being re-admitted to SIPI.
5. The SIPI staff/ faculty member reporting a student in violation of SIPI's Articles of Conduct for Administrative Disposition will:
- a) verbally advise the student of the forthcoming violation of SIPI's Articles of Conduct;
 - b) Contact Bernalillo County Sheriffs Office (BCSO) if the staff/ faculty member reasonably believes that a crime has been committed and detain the student until BCSO arrives to investigate;
 - c) any item that is reasonably believed to be in violation of the rules and regulations governing conduct on Federal property and/ or SIPI's Articles of Conduct may be confiscated by BCSO or SIPI staff;
 - d) any item confiscated, not turned-over to BCSO, will be labeled indicating: who the item was taken from, date the item was taken, and incident report number;
 - e) prepare an accurate written summary of each administrative disposition using the Report of Violation Form;
 - f) provide a copy of the violation report to the student upon request.
6. It is the responsibility of the student suspected of violating the Articles of Conduct to report to the Director of Housing & Recreation, or designee:
- a) within one (1) school day after the date of the incident, to address the alleged violation(s) for Administrative Disposition of the incident; *or*
 - b) within one (1) school day after the date of the incident, to set a time by mutual consent, when the alleged violation(s) will be addressed for Administrative Disposition of the

incident.

7. If the student does not address the violation with the representative of SIPI within the time specified, a decision of guilty may be rendered and the student will lose all appeal rights to the decision.
8. If the violation is dismissed or the student is found not to be in violation of the SIPI's Articles of Conduct, the violation(s) will not be recorded in the student's official school records.
9. If the student does addresses the violation within the time allotted and is determined to be guilty of violating the Articles of Conduct, the Director of Housing & Recreation will impose sanction(s) as outlined in Chapter 5 of the SIPI Student Handbook.

Emergency Suspension

SIPI administration is responsible for keeping the campus pleasant, safe, and secure. Sometimes critical situations arise where immediate action has to be taken to protect the safety and health of the students and staff. Students are guaranteed under Student Rights and Due Process, a safe and secure environment.

The decision on whether an emergency condition exists is made only by the SIPI President, the Vice President of College Operations, the Supervisory Security Guard or designated representative. After appropriate action has been taken to restore order, a student may be suspended under an Emergency Suspension if the student's continued presence would compromise the safety and security of other students, the staff, faculty or visitors to SIPI.

If a student is suspended under this provision, the student must exit the campus immediately. The student is afforded the same rights as other students to due process. However, these rights are to be exercised as a Commuter Student.

Pending a decision on by the Director of Housing & Recreation, the student will also be placed on a Time Bar restriction, where the student will only be authorized to be on campus 30 minutes prior to their first class of the day, and depart from campus within 30 minutes of their last class of the day or after a scheduled meeting with the Director of Housing & Recreation.

While the decision by the Director of Housing & Recreation is pending, it will be the student's responsibility to obtain suitable off-campus lodging and transportation to and from the SIPI campus for classes and meeting with the Director of Housing & Recreation. Any fees associated with the student's off-campus lodging and transportation are solely the responsibility of the student.

Non-students

Non-students that are in violation of the Articles of Conduct, rules and regulations governing conduct on Federal property, Federal statute, laws governing the State of New Mexico, or ordinances of the County of Bernalillo, will not go through Administrative Disposition process to resolve the violation, however, they may face sanctions, such as being Barred from entering the SIPI campus, and criminal charges may be filed.

Appeals Process

The Appeals Process is part of the learning process at SIPI. For this reason, the college has incorporated into the appeals process conflict-resolution techniques such as mediation, consensus building and other techniques that encourage collaborative resolution.

An Appeals Hearing involves a meeting with the student and the Director of Admissions & Financial Aid and the Vice President of College Operations. During the meeting, the Director of Admissions & Financial Aid or Vice President of College Operations shall mediate, i.e., provide orderly flow and consideration, and arrive at a resolution based upon the facts heard in the process.

SIPI's representatives, i.e., Director of Housing & Receptions, Director of Admissions & Financial Aid and the Vice President of College Operations or their designee, have the authority to impose sanctions, such as restricting the student from the lodges or from campus during designated times, or to suspend or expel the student from school.

Procedure

1. If the student does not agree with the decision rendered and/ or sanction(s) imposed by the Director of Housing & Recreation, it will be the student's responsibility to file a written appeal to the Director of Admissions & Financial Aid within one (1) school day of the decision rendered by the Director of Housing & Recreation. If the appeal is not received within that time, the decision made by the Director of Housing & Recreation will be final.

If a student has lost their Residential Lodge privileges due to a decision rendered by the Director of Housing & Recreation during an Administrative Disposition hearing, they will be permitted to reside in the lodge until the appeal process is complete.

If a student is found to be in violation of one or more of the Articles of Conduct, prior to a final decision rendered on the student for a previous violation, the appeal will be automatically denied and any sanctions imposed by the Director of Housing & Recreation will be upheld.

2. The Director of Admissions & Financial Aid will schedule an appeal hearing at the earliest opportunity. If the student fails to show up for the scheduled hearing without a valid reason, the disciplinary action against the student will be upheld.

3. The Director of Admissions & Financial Aid may overturn or uphold the decision and/ or sanction(s) imposed by the Director of Housing & Recreation. The Director of Admissions & Financial Aid will prepare an accurate written summary of each appeal hearing and its conclusion within one (1) school day after the hearing.
4. If the student does not agree with the decision rendered by the Director of Admissions & Financial Aid, it will be the student's responsibility to file a second, and final appeal to the Vice President of College Operations. When an appeal is filed to the Vice President of College Operations, a written statement must be filed within one (1) school day of the Director of Admissions & Financial Aid decision. If the appeal is not received within that time, the decision made by the Director of Admissions & Financial Aid will be final.
5. The appeal to the Vice President of College Operations must explain the reason the decision by the Dean of Student Service's should be overturned.
6. The Vice President of College Operations will schedule an appeal hearing at the earliest opportunity. If the student fails to show up for the scheduled hearing without a valid reason, the disciplinary action against the student will be upheld.
7. The Vice President of College Operations may uphold or overturn the decision rendered by the Director of Admissions & Financial Aid. The decision made by the Vice President of College Operations will be final. The Vice President of College Operations will prepare an accurate written summary of each appeal hearing and its conclusion within one (1) school day after the hearing.
8. The student may withdraw an appeal at any time during the appeal process. The request to withdraw an appeal must be in writing, accepting the decision rendered in their Administrative Disposition hearing, signed by the student, and submitted to the Director of Admissions & Financial Aid.

Once the student's request to withdraw an appeal has been received by the Director of Admissions & Financial Aid, the decision rendered and sanctions imposed by the Director of Housing & Recreation or Director of Admissions & Financial Aid will be final.

Note:

Behavioral Contract: students currently on Behavioral Contract or Restriction (i.e. Time Bar, Lodge Bar) do not have appeal rights. If a student receives a major violation while on Behavioral Contract or restriction, then the student will be immediately suspended from the dorm or campus.

Extensions: students that are required to vacate the Residential Lodge due to a loss of Residential Lodge privileges must vacate with 24-hours a final decision that the student has lost their Residential Lodge privileges. Student may request an extension of 24-hours from the Director of Housing & Recreation. In extreme circumstances, a maximum of 72-hours for an extension may be granted.

Extensions are not granted automatically. Students must provide valid justification for an extension. Students should be prepared to vacate the lodge with-in the 24-hours time frame in case their request for extension is denied.

If a student has been granted an extension and that student is later found to be in violation of one or more of the Articles of Conduct within the timeframe specified for the extension, then the student's Residential Lodge privileges & extension to vacate the lodge will be revoked and the student will be required to vacate the lodge immediately.

Termination of Appeal: If a student is found to be in violation of another Article of Conduct while they have an appeal pending for a previous violation, the student's appeal will be automatically be denied and the decision rendered by the Director of Housing & Recreation will be final.

Sexual Offenses Policy

Purpose

This policy provides for Southwestern Indian Polytechnic Institute:

- A. A description of educational programs to promote awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses.
- B. Procedures students should follow if a sex offense occurs, including procedures for whom to contact at SIPI, the importance of preserving evidence for proof of a criminal offense, and to whom the alleged offense should be reported.
- C. Information regarding a student's option to notify proper law enforcement authorities including on-campus security personnel and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests it.
- D. Notification to students of existing on- and off-campus counseling and mental health services or other student services for victims of sex offenses.
- E. Notification to students that the institution will change a victim's academic and/or living situation after an alleged sex offense, and of the options for those changes, if requested by the victim and reasonably available.
- F. Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:

- i. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding.

Both the accuser and accused shall be informed of the final determination of a disciplinary proceeding with respect to the alleged sex offense and any sanction that is imposed against the accused.

- ii. Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding

regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

Definitions of Sex Offenses

SIPI has adopted, for the purpose of this policy, the following definitions for sex offenses as prescribed by The Student Right to Know and Campus Security Act:

Sex Offense – Forcible

- A. Forcible rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- B. Forcible sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- C. Sexual assault with an object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- D. Forcible fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offense - Non-forcible

Unlawful, non-forcible sexual intercourse:

- A. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- B. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Educational Programs

SIPI recognizes the harm caused by sexual assault and the need to educate the SIPI community regarding this issue. SIPI offers access to the following educational program services:

Albuquerque Rape Crisis Center

1025 Hermosa Dr. SE
Albuquerque, NM 87108
(505) 266-7711

The Albuquerque Rape Crisis Center maintains a 24-hour crisis telephone service and counselors are available to provide immediate assistance to victims of sex offenses. The center also provides educational programs to campus and community groups.

Victims of sexual assault, or friends and family, can call the Albuquerque Rape Crisis Center at (505) 266-7711. An advocate will inform them of their options. If the victim chooses to have a sexual assault exam, he or she can call (505) 844-SANE (844-7263).

Albuquerque SANE Collaborative

1127 University Blvd. NE
2nd Floor
Albuquerque, NM 87102

The SANE Program provides care for sexual assault victims. SANE offers the victim privacy and timely treatment in a quiet and safe setting. Specially trained nurses and rape crisis advocates provide treatment. Rape crisis advocates provide emotional support and information to the victim and their family and friends during the exam process.

SANE also provides additional follow-up care after the initial exam. Follow-up services are supported by the Victims of Crime Act (VOCA).

Director of Housing and Recreation

12-Feathers Building
9169 Coors Blvd. NW
(505) 792-4523

The Director of Housing and Recreation coordinates SIPI's New Student Orientation, which includes programs addressing sexuality, relationships, and

sexual assault issues. The Director of Housing and Recreation also administers the enforcement of Articles of Conduct, which includes addressing sexual offense allegations under these policies.

The Security Supervisor helps to coordinate educational programs about campus safety and crime prevention.

Procedures Students Should Follow if a Sex Offense Occurs

SIPI's Articles of Conduct, which apply to incidents occurring on the campus, expressly forbid the commission of sexual assault. A student who is a victim of such an offense may pursue charges against the perpetrator under these policies, as well as criminal charges through the Bernalillo County Sheriff's Office.

Students are advised to receive a medical examination if they are victims of sexual assault, and during orientation and education sessions, they are advised in detail about procedures to follow to ensure that evidence is preserved and proper medical care is sought. It is important for victims of sex offenses to understand the steps to take in order to preserve evidence that may be necessary in proving sexual assault, in both the criminal complaint process and SIPI's student discipline system. For example, victims should not bathe, shower, wash, douche, brush one's teeth, comb one's hair or change clothes before seeking medical attention. Important evidence may be on the victim's body and/or clothes. This evidence will be collected during the medical examination.

A student who is the victim of a sex offense while on the SIPI campus should immediately contact the SIPI Security Guard on-duty at (505) 263-7531, or any SIPI Employee, as well as the Bernalillo County Sheriff's Office (BCSO) at (505) 798-7000.

If the sexual assault occurred off-campus, the victim should contact the local law enforcement agency in the locality in which the sexual assault occurred. For example, if the sexual assault occurred within the Albuquerque city limits, contact the Albuquerque Police Department (APD) at 911 or (505) 242-2677 (242-COPS) to report the incident. Students also are encouraged to notify SIPI Security, although priority should be to contact the appropriate local law enforcement agency first.

A SIPI employee will assist a student in notifying the appropriate law enforcement agency, if requested to do so.

BCSO or APD will contact the Albuquerque Rape Crisis Center to request that a counselor meet the victim and responding police officer at an appropriate

medical facility. The Rape Crisis Center may also be contacted directly at (505) 266-7711.

SIPI recognizes the need for victims of sex offenses to have a caring and knowledgeable person available to support them, assist them in receiving appropriate medical attention, and to help them file appropriate criminal charges. SIPI works closely with law enforcement agencies, the Albuquerque Rape Crisis Center and the Albuquerque SANE (Sexual Assault Nurse Examiners) Collaborative in providing this assistance.

The Director of Housing and Recreation is also available to assist victims of sex offenses in making appropriate accommodations to their academic and living arrangements.

Notification of Law Enforcement

SIPI employees are available to assist victims of sex offenses in contacting the appropriate law enforcement agency. Victims are strongly encouraged to immediately report incidents to BCSO, APD, or other appropriate law enforcement agency, for criminal investigation.

Counseling and Assistance Services

In addition to helping victims contact law enforcement, SIPI employees are also available to assist victims of sex offenses in contacting appropriate service agencies. Below is a partial listing of service agencies.

Albuquerque Rape Crisis Center

1025 Hermosa Dr. SE
Albuquerque, NM 87108
(505) 266-7711

The Albuquerque Rape Crisis Center maintains a 24-hour crisis telephone service and counselors are available to provide immediate assistance to victims of sex offenses. Counselors also assist victims in navigating the criminal system.

Albuquerque SANE (Sexual Assault Nurse Examiners) Collaborative

Carrie Tingley Hospital
1127 University Blvd. NE
Albuquerque, NM 87102
(505) 884-7263 (24/7 dispatches)
(505) 833-8720 (business office number)

The Albuquerque SANE Collaborative provides 24-hour medical assistance to victims of sexual assault. SANE does not provide counseling services, but does provide referral services to the Albuquerque Rape Crisis Center.

Victim Impact Program

Office of the District Attorney
2nd Judicial Circuit
520 Lomas Blvd. NW
Albuquerque, NM 87102
(505) 841-7107

The District Attorney's Victim Impact Program provides assistance to victims of all crimes, including sex offenses. Advocates in this office assist victims in dealing with the criminal system and securing financial and other assistance due to victims under the law.

SIPI Housing and Recreation Office

12-Feathers Building
(505) 792-4523

SIPI does not retain on staff a counselor trained to specifically to assist victims of sexual assault. Students can be referred to off-campus counseling services. Information about these services may be obtained from SIPI's Special Needs Counselor by calling (505) 346-2319 or a Counselor through First Nations Community HealthSource by calling (505) 346-2331.

The Director of Housing and Recreation is also available to assist victims of sex offenses in making changes to their academic and living arrangements after an alleged sex offense. Housing and Recreation Specialists are available to assist students living in Four Winds Lodge and Golden Eagle Lodge in overcoming any problems they may encounter, including providing information on short-term counseling and other referrals.

Since October 2006, staffing at the Four Winds Lodge and Golden Eagle Lodge dormitories increased from part-time to around-the-clock coverage. It is important to note, however, that while every attempt is made to staff Four Winds Lodge and Golden Eagle Lodge dormitories 24-hours a day, gaps in staffing coverage may occasionally occur due to extenuating circumstances.

Change in Victim's Academic and Living Situation

SIPI will assist a victim in altering their academic and living situation after an alleged sex offense, if those changes are requested by the victim and are reasonably available. Changes may include, for example:

1. Arranging for extension of class assignments and/or alternate examination dates.
2. Assisting the victim in dropping courses or withdrawing from SIPI without academic or financial penalty, if that is the victim's wish.
3. Arranging for the victim to move from one dormitory room to another.

Specific requests for such changes should be directed to the Director of Housing and Recreation at (505) 792-4523.

Additional Procedures for Campus Disciplinary Action Involving Sexual Assault

SIPI's Articles of Conduct, which applies to students on the SIPI campus, prohibit any form of sexual assault. SIPI conducts an administrative disposition disciplinary process for students, which is administered by the Director of Housing and Recreation.

Visitors to campus suspected of violating one or more of the Articles of Conduct, including sex offenses, as defined in the SIPI Student Handbook, are not subject to SIPI's administrative disposition process itself, but must follow applicable rules of conduct on federal property, and are subject to arrest and prosecution under applicable laws, as well as potentially being barred from returning to the SIPI campus.

Any victim of a sex offense committed on the SIPI campus by a SIPI student has the option of pursuing criminal charges against the alleged perpetrator of the offense, as well as utilizing the administrative disposition process.

Victims of sex offenses are encouraged to report the incident to appropriate law enforcement authorities and to meet with SIPI's Director of Housing and Recreation to discuss pursuing charges under the relevant Articles of Conduct.

At that meeting, the victim of a sex offense is encouraged to be accompanied by a support person of their choice. Counselors from the Albuquerque Rape Crisis Center or the District Attorney's Victim Impact Program are available to accompany and assist the victim of a sex offense throughout the disciplinary process.

Selected Federal Statutes Regarding Sexual Offenses and Disciplinary Proceedings

Under 34 CFR 668.46(b)(11)(vi)(A) and (B)

1. The alleged victim of a sex offense and the alleged perpetrator are entitled to the same opportunities to have others present as advisors during disciplinary proceedings, and
2. Both the alleged victim and alleged perpetrator will be informed of the final determination of a disciplinary proceeding with respect to the alleged sex offense and any sanction that is imposed on the accused.

As described in SIPI's Student Handbook, alleged victims in student disciplinary proceedings have rights and responsibilities that are protected throughout the disciplinary process. These rights and responsibilities are:

Under 25 CFR § 42.1 General Principles

(a) This part applies to every Bureau of Indian Education-funded school. The regulations in this part govern student rights and due process procedures in disciplinary proceedings in all Bureau-funded schools. To comply with this part, each school must:

(1) Respect the constitutional, statutory, civil and human rights of individual students; and

(2) Respect the role of Tribal judicial systems where appropriate.

(b) All student rights, due process procedures, and educational practices should, where appropriate or possible, afford students consideration of and rights equal to the student's traditional Native customs and practices.

§ 42.2 Individual student rights

Individual students at Bureau-funded schools have, and must be accorded, at least the following rights:

(a) The right to an education that may take into consideration Native American or Alaska Native values;

(b) The right to an education that incorporates applicable Federal and Tribal constitutional and statutory protections for individuals; and

(c) The right to due process in instances of disciplinary actions

§ 42.3 Addressing alleged violations of school policies

(a) In addressing alleged violations of school policies, each school must consider, to the extent appropriate, the reintegration of the student into the school community.

(b) The school may address a student violation using alternative dispute resolution (ADR) processes or the formal disciplinary process.

(1) When appropriate, the school should first attempt to use the ADR processes described in §42.4 that may allow resolution of the

alleged violation without recourse to punitive action.

(2) Where ADR processes do not resolve matters or cannot be used, the school must address the alleged violation through a formal disciplinary proceeding under §42.7 consistent with the due process rights described in §42.7.

§ 42.4 Alternative dispute resolution processes

Alternative dispute resolution (ADR) processes are formal or informal processes that may allow resolution of the violation without recourse to punitive action.

(a) ADR processes may:

(1) Include peer adjudication, mediation, and conciliation; and

(2) Involve appropriate customs and practices of the Indian Tribes or Alaska Native Villages to the extent that these practices are readily identifiable.

(b) For further information on ADR processes and how to use them, contact the Office of Collaborative Action and Dispute Resolution by:

(1) Sending an e-mail to: cadr@ios.doi.gov or

(2) In writing to:

Office of Collaborative Action and Dispute Resolution
U.S. Department of the Interior
MS-5258
1849 C Street NW
Washington, DC 20240

§ 42.5 Schools can use ADR processes to address an alleged violation

(a) The school may address an alleged violation through the ADR processes described in §42.4, unless one of the conditions in paragraph (b) of this section applies.

(b) The school must not use ADR processes in any of the following circumstances:

(1) Where the Act requires immediate expulsion ("zero tolerance" laws);

(2) For a special education disciplinary proceeding where use of ADR would not be compatible with the Individuals with Disabilities Education Act (Public Law 105–17); or

(3) When all parties do not agree to use alternative dispute resolution processes.

(c) If ADR processes do not resolve matters or cannot be used, the school must address alleged violations through the formal disciplinary proceeding described in §42.8.

§ 42.6 Due process requiring a formal disciplinary hearing

Unless local school policies and procedures provide for less, a formal disciplinary hearing is required before a suspension in excess of 10-days or expulsion.

§ 42.7 Due process in a formal disciplinary proceeding includes

Due process must include written notice of the charges and a fair and impartial hearing as required by this section.

(a) The school must give the student written notice of charges within a reasonable time before the hearing required by paragraph (b) of this section. Notice of the charges includes:

(1) A copy of the school policy allegedly violated;

(2) The facts related to the alleged violation;

(3) Information about any statements that the school has received relating to the charge and instructions on how to obtain copies of those statements; and

(4) Information regarding those parts of the student's record that the school will consider in rendering a disciplinary decision.

(b) The school must hold a fair and impartial hearing before imposing disciplinary action, except under the following circumstances:

(1) If the Act requires immediate removal (such as, if the student brought a firearm to school) or if there is some other statutory basis for removal;

(2) In an emergency situation that seriously and immediately endangers the health or safety of the student or others; or

(3) If the student (or the student's parent or guardian if the student is less than 18 years old) chooses to waive entitlement to a hearing.

(c) In an emergency situation under paragraph (b)(2) of this section, the school:

(1) May temporarily remove the student;

(2) Must immediately document for the record the facts giving rise to the emergency; and

(3) Must afford the student a hearing that follows due process, as set forth in this part, within ten days.

§ 42.8 Student due process rights in a formal disciplinary proceeding

A student has the following due process rights in a formal disciplinary proceeding:

(a) The right to have present at the hearing the student's parents or guardians (or their designee);

(b) The right to be represented by counsel (legal counsel will not be paid for by the Bureau-funded school or the Secretary);

(c) The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses;

(d) The right to the record of the disciplinary action, including written findings of fact and conclusions;

(e) The right to administrative review and appeal under school policy;

(f) The right not to be compelled to testify against himself or herself; and

(g) The right to have an allegation of misconduct and related information expunged from the student's school record if the student is found not guilty of the charges.

§ 42.9 Victim's rights in formal disciplinary proceedings

In formal disciplinary proceedings, each school must consider victims' rights when appropriate.

(a) The victim's rights may include a right to:

(1) Participate in disciplinary proceedings either in writing or in person;

(2) Provide a statement concerning the impact of the incident on the victim; and

(3) Have the outcome explained to the victim and to his or her parents or guardian by a school official, consistent with confidentiality.

(b) For the purposes of this part, the victim is the actual victim, not his or her parents or guardians.

§ 42.10 Schools must communicate the individual student rights to students, parents or guardians, and staff.

Each school must:

(a) Develop a student handbook that includes local school policies, definitions of suspension, expulsion, zero tolerance, and other appropriate terms, and a copy of the regulations in this part;

(b) Provide all school staff a current and updated copy of student rights and responsibilities before the first day of each school year;

(c) Provide all students and their parents or guardians a current and updated copy of student rights and responsibilities every school year upon enrollment; and

(d) Require students, school staff, and to the extent possible, parents and guardians, to confirm in writing that they have received a copy and understand the student rights and responsibilities.

§ 42.11 Collection of information

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This part in §42.6, 42.7, and 42.9 contains collections of information subject to the PRA. These collections have been approved by OMB under control number 1076–0163.

In addition to the Administrative Disposition process, SIPI encourages victims of sexual assault to also pursue criminal charges through the appropriate law enforcement agencies.

The procedures by which Articles of Conduct violations are resolved can also be found in the SIPI Student Handbook and SIPI's website at: www.sipi.edu.

Sanctions

Any person who commits a violation of SIPI's Articles of Conduct and/or state or federal statute is subject to the following sanctions:

1. Verbal Warning - an oral reprimand
2. Written Warning - a written reprimand
3. Behavioral Contract - the establishment of a time period during which community service is assigned, attendance at workshops and/or seminars including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions. Further acts of misconduct will result in more severe disciplinary sanctions.
4. Suspension - losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon the finding of a violation or it may be deferred to a later time.
5. Students may also lose the privilege of residing in and/or visiting either dormitory for a period of time to be determined by the Director of Housing and Recreation.

6. Dismissal - termination of student enrollment, either for a stated time period or indefinitely.
7. Denial of admission, readmission, or employment at SIPI.
8. Barred from dormitories - commonly known as a "Dormitory Bar," means being denied access to Four Winds Lodge and Golden Eagle Lodge, including surrounding grounds and parking lots, for any reason, during a specific period of time. Violation of a Dorm Bar may result in further sanctions and/or arrest for criminal trespassing.
9. Barred from the campus, except to attend class - commonly known as a "Time Bar." Students on a time bar are only allowed to be on the SIPI campus from 30 minutes prior to their first class of the day, to no later than 30 minutes after their last class of the day. Evening, weekend, and extracurricular activities are prohibited. Visitation to either dormitory is prohibited. Violations of a Time Bar may result in further sanctions and/or arrest for criminal trespassing.
10. Barred from campus – commonly known as a "Campus Bar," means being denied access to the entire SIPI campus and activities for a specific period of time. Violation of a Campus Bar may result in further sanctions and/or arrest for criminal trespassing.

If a student is suspected of committing a crime, either on or off campus, the student may be suspended from SIPI and placed on a Campus Bar pending the outcome of the investigation by a law enforcement agency and/or district attorney's office, and if applicable, the final outcome of any criminal charges that may be filed.

Sex Offender Registration

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a Federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act.

The Campus Sex Crimes Prevention Act, which went into effect in October 2002, requires all campuses to keep a registry of convicted sex offenders who enroll in classes or work on campus. This list must be publicly accessible no later than September 30, 2003.

Under the law, information on sex offenders on campus can help persons on campus guard against students or employees whom they know are past offenders. The registry also gives campus police a valuable source of information for investigating any sexual crimes that are committed.

The law requires action to be taken by three groups of people: the sexual offender, university personnel, and campus security and police. Cooperation among all three of these groups is required for the law to be administered properly. Convicted offenders are required to register with the university, and the university has the responsibility of obtaining the necessary information from its students and employees.

Law enforcement and campus security personnel are responsible for using the information as a tool to deter crimes and assist in investigations. They must also assist the university in collecting the information required for the creation of a publicly accessible database of offenders.

The New Mexico Sex Offender Registration and Notification Act (Chapter 29, Article 11A NMSA 1978) also requires convicted sex offenders to notify their local law enforcement agency within 10-days of obtaining employment or enrolling as a student.

When SIPI's child care facility becomes operational, SIPI will be notified if and when a registered sex offender resides within one-mile of the campus. Until that time, BCSO is not obligated to notify SIPI when a registered sex offender resides within that distance, or is employed at SIPI and potentially in contact with minors.

SIPI is required to inform the campus community that a list of registered sex offenders will be maintained and made available at two campus locations: the Security Office, located in Room 111 of the Administration Building; and the Admissions Office, also located in the Administration Building.

A list of all registered sex offenders in New Mexico is available from the New Mexico Department of Public Safety at: www.nmsexoffender.dps.state.nm.us/.

The New Mexico sex offender registry also offers e-mail notification of registered sex offenders that may move into your neighborhood. You may request notification of sex offenders that register their address within a 1-mile, 3-mile or 5-mile radius for up to three addresses, such as your home, work & school.

Information on registered sex offenders in Bernalillo County can also be found at: <http://ims.bernco.gov/website/sexoffend/viewer.htm>.

SIPI is located in Bernalillo County, the zip code is "87120".

The U.S. Department of Justice maintains The Dru Sjodin National Sex Offender Public Registry at: www.nsopr.gov/. This web site is a search tool allowing a user to submit a single national query to obtain information about sex offenders through a number of search options, such as by Name, ZIP Code, by County (if provided by state), by City/ Town (if provided by state), by State (one or multiple) or a National search.

The criteria for searching are limited to what each individual state may provide. Also, because information is hosted by each state and not by the federal government, search results should be verified by the user in the state where the information is posted. Users are advised to log on to pertinent state web sites for further information and/or guidance, as appropriate.

The CSCPA also amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.