# New Mexico Military Institute
## Operations and Procedures Policy Manual

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1.0 Forward

The New Mexico Military Institute (NMMI) Operations and Procedures Policy Manual (O&P) as well as the referenced documents, is intended to establish policy and provide guidance for the day to day operation of NMMI. Policy statements of the Board of Regents and applicable Federal and State statutes are the only documents to take precedence where conflicts of policy might occur.

The O&P has been prepared to provide general guidelines and descriptions of the present policies and procedures of NMMI for management at all levels of authority. It describes the basic personnel policies and practices of NMMI. This manual does not modify our existing employment contracts nor provide employees any kind of contractual rights. NMMI reserves the right to add, delete or change these policies at any time, with or without notice. Care should be taken to always reference the official on-line version of the O&P versus reliance on a printed version to assure the latest revision is being used.

This manual contains general statements of NMMI policy which are not intended to be exhaustive and do not necessarily include fine details nor does it form an express or implied contract or promise that the policies outlined will be applied in all cases. Key NMMI Departments are directed to maintain additional procedure or policy guides related to their areas of responsibility, but are subject to the approval of the President and Superintendent and must be referenced herein. Such guides or manuals will not modify, change or delete any of the general statements contained in the O&P.

The O&P is posted to the administrative page on the NMMI website and intended to be made available to every employee. New Mexico Military Institute is an equal opportunity institution.

2.0 Introduction

2.1 Vision Statement

The New Mexico Military Institute is a globally recognized secondary and post-secondary learning institution for young men and women that instills excellence in leadership, academics, and physical development empowering students to thrive in a dynamic world.
2.2 Mission Statement
To educate, train, and prepare young men and women to be leaders capable of critical thinking and sound analysis, leaders who possess uncompromising character, and leaders able to meet challenging physical demands.

2.3 Key Values
Knowledge, Integrity, Service and Responsibility.

2.4 Faculty Credo
Treat them as you would like your own treated. Teach them as you would like your own taught.

2.5 Cadet Honor Code
A Cadet Will Not Lie, Cheat or Steal, nor tolerate those who do

3.0 Authority and Precedence

Applicability
In accordance with the NMMI Board of Regents, this policy applies to the President/Superintendent of the School and NMMI operations.

Precedence
Federal, State and state law shall have precedence over any policy contained herein or associated with the Policy Document. No policy set herein or associated with the NMMI O&P shall be construed to avert Federal or State law. The NMMI O&P shall be considered subordinate to the Board of Regents Policy Manual and shall be controlling over all other NMMI policies for which there may be an inconsistency.

3.1 New Mexico State Statute
21-12-9 Organization of cadets; cadet commissions; authority of superintendent.
The superintendent of the New Mexico military institute shall have power to organize the cadets of the New Mexico military institute into military units and to appoint cadet officers and noncommissioned officers who shall hold their offices at the pleasure of the superintendent. Commissions shall be issued by the superintendent to cadet officers, and shall be known as cadet commissions. The superintendent shall have power to designate and prescribe the number and rank and duties of cadet officers and noncommissioned officers.
21-12-10  Ordnance and quartermaster's stores; care and custody; annual report.
It shall be the duty of the superintendent to provide a safe and convenient place for the keeping and
preservation of all ordnance and quartermaster's stores received from the state for the use of the
institution, and on and before the thirty-first day of December in each year, he shall make a report
to the adjutant general of the state of all such stores on hand, and in such report he shall show their
condition, whether serviceable or unserviceable, and if any of such stores should be lost or
destroyed, the manner of their loss or destruction.

3.2 Board of Regent Policy Manual
Policy 9. Responsibility of the President/ Superintendent of NMM;
https://www.nmni.edu/regents/PolicyManual.htm

4.0 Revision Control
The revision control of the NMMI O&P is important in order to manage different versions and
drafts of the document. The NMMI O&P shall involve names and dates to include final approval
date. The process shall allow for an audit to distinguish the various versions.

Benefits
Revision control is necessary due to the fact documents can undergo a lot of revision and
redrafting, particularly related to electronic forms, and because they can easily be changed
by a number of different users. Changes may be subtle and not readily
recognized. Understanding the version of a document is important. Two key reasons are to
understand which version one is looking at and which version was used at a particular point
in time.

Revision Standard
Revision information shall be included as part of the file name and with the document itself.
The revision shall include a date as well as identify the author. The revision section of this
manual shall include a summary of the change, purpose and the date of the authorized
change. The final authorization of the NMMI O&P and subordinate documents shall be the
NMMI President and Superintendent. The President and Superintendent shall designate
the author of the NMMI O&P and associated documents.
5.0 Organization

5.1 Management Control Policy

The President/Superintendent of the New Mexico Military Institute (NMMI) is charged with the responsibility for establishing a network of processes with the objective of controlling the operations of NMMI in a manner which provides the Board of Regent’s reasonable assurance that:

- Data and information published either internally or externally is accurate, reliable, and timely.
- The actions of management and employees are in compliance with the organization’s policies, standards, plans and procedures, and all relevant laws and regulations.
- The organization’s resources (including its people, systems, data/information bases, and customer goodwill) are adequately protected.
- Resources are acquired economically and employed profitably; quality business processes and continuous improvement are emphasized.
- The organization’s plans, programs, goals, and objectives are achieved.
- Controlling is a function of management and is an integral part of the overall process of managing operations. As such, it is the responsibility of managers at all levels of the organization to identify and evaluate the exposures to loss which relate to their particular sphere of operations.
- Specify and establish policies, plans, and operating standards, procedures, systems, and other disciplines to be used to minimize, mitigate, and/or limit the risks associated with the exposures identified.
- Establish practical controlling processes that require and encourage management and employees to carry out their duties and responsibilities in a manner that achieves the five control objectives outlined in the preceding paragraph.
- Maintain the effectiveness of the controlling processes they have established and foster continuous improvement to these processes.
- The President/Superintendent will develop administrative policies and procedures to implement the policies of the Board of Regents.
Implementation
The President/Superintendent shall appoint an administrative staff to assist in the performance of the functions and duties assigned by the Board to the President/Superintendent and may delegate authority as the President/Superintendent deems necessary to selected administrators, except as may be explicitly restricted by the Board of Regents. The President/Superintendent may adopt appropriate administrative policies and procedures to implement policies adopted by the Regents.

The President/Superintendent shall adopt a procedure for developing and adopting new or revised administrative policies and procedures. This procedure shall be designed to ensure participation and discussion by those members of the Institute community affected by the proposed administrative action. Administrative policies and procedures shall become effective on the date of adoption by the President/Superintendent, or as otherwise specified.

Reference
BOR Policy Manual, Section 9, Responsibility of the President/Superintendent of NMMI

5.2 President/Superintendent

The President/Superintendent of the Institute is its Chief Executive Officer and reports directly to the Board of Regents. The President/Superintendent is responsible for implementing the policies adopted by the Board of Regents. The Board has delegated authority to the President/Superintendent to carry out his or her responsibilities to manage the School, as set forth generally in the Board’s policy, and to adopt administrative policies and procedures consistent with Regents’ policies.

The President/Superintendent may adopt new or revised administrative policies and procedures on the President/Superintendent’s own initiative or on the recommendation of faculty or administrative staff, without prior approval of the Regents, provided that any changes in administrative policies and procedures do not conflict with existing Regents’ policy. The President/Superintendent shall advise the Board of Regents of any such policies.

The President/Superintendent may further delegate his/her authority unless specifically prohibited from doing so by explicit statement in a policy adopted by the Regents.

The President/Superintendent’s responsibilities include, but are not limited to:

- ensuring the health, safety, welfare, and discipline within the Corps of Cadets;
- oversight of the quality of the academic, physical and character development programs of the School; supervision of the relationship between cadets, faculty, staff, and the administration;
management of the School’s finances; administration of the personnel system and the professional development of faculty and staff operation and maintenance of real and personal property under the jurisdiction of the School;

fundraising;

intercollegiate and interscholastic athletics;

auxiliary enterprises, the self-supporting business activities that serve cadets;

consultation and cooperation with the Regents and other Institute groups on various Policies, including planning for the future development of the School;

representation of the Institute in public affairs;

accounting to the Board of Regents for the School’s finances on a quarterly and annual basis;

coordinating with the NMMI Foundation in establishing a centralized system for fundraising, advancement, and development;

reporting annually to the Board of Regents on the state of the School;

presenting to the Board of Regents for approval the organizational structure of the School.

The Board of Regents policy specifies actions for which Regents’ approval is required. However, it is virtually impossible to anticipate every situation in which it may be appropriate for the Regents to act. It is the responsibility of the President/Superintendent of the School, in consultation with the President of the Board, to seek Regents’ approval when a proposed action is of such consequence that it could affect the fiscal condition of the Institute or its academic mission or is of such public importance as to warrant the involvement of the Regents even though Regents' approval is not specifically required by the BOR Policy Manual or any statute or other regulation.

5.3 Chief of Staff

The Chief of Staff serves as a key member of the New Mexico Military Institute President/Superintendent's Executive Staff responsible for the central coordination of activities (operations and planning) and ensuring timely flow of information to and from the Office of the President/Superintendent.

Key Responsibilities.

Reporting directly to the President/Superintendent, the Chief of Staff (COS) serves as the central coordination point for all activities supporting the President/Superintendent in the effective management and operation of New Mexico Military Institute, including but not limited to:

- Liaison with NMMI leadership, providing professional and staff support to ensure the smooth functioning of NMMI operational staff elements: i.e., Office of the Academic Dean; Office of the Commandant of Cadets; Office of the Athletic Director. Meet regularly with members of the Executive Council to provide campus operational information and related advice, resolve issues as required.

- Oversee the operations and functions of NMMI support staff elements, i.e., Director, Information Technology, Director of Marketing and Communications, Director of
Admissions, Director of Financial Aid and Director of Facilities, to include budgeting, project management, contract review and management, and capital financing programming, principles and practices.

- Assist the development and advise on academic accreditation and assessment programs, policies, and standards for both higher and secondary educational institutions.
- Develop, advise, recommend, and promulgate organizational policies and procedures necessary to ensure that appropriate decision-making, management, and operational and support protocols are in place and followed campus-wide.
- Ensure that NMMI is compliant with all laws, rules and regulations (local, State, and Federal), maintaining appropriate records, and serves as the NMMI Custodian of Public Records.
- Communicate and work closely with the NM MI Foundation and Director of NMMI Alumni Relations to ensure the efficacy of all activities, campaigns, and programs in support of NMMI.
- Assist in relationship building with various Boards (Board of Regents, NMMI Foundation, NMMI Faculty Senate, Development Boards, Advisory Boards, etc.) As required, serve as the President/Superintendent's representative to external constituents (e.g., legislators, government officials, service organizations, etc.).
- In collaboration with the Chief Financial Officer (CFO) review financial reports for trends and performance against Institute strategic goals and objectives, assist with planning, programming and budget analysis and preparation.
- Assist development and maintenance of effective process automation and decision management reporting for administrative data. In collaboration with the Academic Dean develop effective data capturing tools pertaining to academic accreditation and assessment. In collaboration with the Chief Financial Officer (CFO) develop effective automated financial management and contract management tools.
- Perform related duties as required and assigned by the President/Superintendent.

**Director of Information Technology**

The Director of Information Technology is expected to be an exempt, 12 month, full-time position under administrative direction of the Chief of Staff. The IT Director is expected to work with campus and off-campus stakeholders to plan, develop, procure, implement, and service the use of all types of information technology required by our mission and support elements.

**Essential Functions**

Plans for the growth of information technology at New Mexico Military Institute (NMMI); collaboratively develops an information technology vision and plan for the future in support of our mission, vision, and strategic plan.
Provides leadership, vision, and direction for the Information Technology Department; oversees development, design, and implementation of new applications and changes to existing computer systems and software.

Develops and maintains the integrity and continuing operation of a robust campus technology network with connections to equally robust external networks, including intra- and inter-building wiring and wireless networks.

Ensures end users have the technology they need when they need it; manages workloads and staffing to provide effective and efficient service in a timely manner.

Works with internal and external organizations to identify and assess emerging information technologies to ensure the Information Technology Department has the resources necessary to always move forward in the support of the NMMI mission, vision, and strategic plan.

Remains up to date in the broad information technology field; provides opportunities for professional development and expects IT Department members to grow their knowledge, skills, and expertise.

Works collaboratively with the entire NMMI community to find solutions to their IT needs and problems.

Provides in-services opportunities for all NMMI staff to develop their knowledge of IT.

Maintains external relationships, remains up to date in the information technology field by representing NMMI in local, state, and national organizations and at meetings and conferences.

Develop necessary back-up and disaster recovery procedures and plans to ensure continuity of NMMI operations.

Collaboratively develops appropriate hardware and software standards, security, access, limitation, safety, and use policies in conjunction with NMMI policies; and local, state, and federal, laws, regulations, and guidelines.

Performs other tasks and duties as necessary and appropriate as determined and assigned by supervisor.

**Director of Facilities**

The Director of Facilities is responsible to plan, create, maintain and operate an environment conducive to the learning experience unique to NMMI.
Responsibilities

- Supervises the administrative functions of:
  - Building / Barracks Services
  - Custodial Services
  - Mechanical / Electrical Services
  - Ground Services
  - Transportation and Receiving Services
  - NMMI Safety Officer
- Submit, review, and monitor budgets in the following areas:
  - Departmental budgets
  - Minor Capital Outlay (MCO) funds allocated to the Physical Plant
  - Departmental transfers for material, labor, and services rendered.
- Continually update long range building maintenance and construction plans (Master Plan) to include project budgeting requirements to maintain the value of NMMI facilities.
- Point of Contact for all physical plant construction projects to include reporting.
- Maintain and operate a work order system for the reporting of and assignment of responsibility of maintenance matters from all areas of NMMI.
- Supervise scheduling of all NMMI – owned vehicles in support of official travel.
- Insure compliance with all applicable federal and state codes and regulations.
- Reports directly to the Chief of Staff

Director of Admissions

The Director of Admissions is responsible for the administrative support for the recruitment and admission of new cadets.

Responsibilities

- Uses and maintains the Admissions Process Procedures and Policies as defined herein.
- Processes all applications for admission to NMMI.
- Evaluates all transcripts which pertain to an application for admission. The interpretation of credits to be counted toward a degree will remain the responsibility of the Dean of Academics.
- Provides a central receiving office for all correspondence and documents required for admissions
- Counsels applicants and their parents or guardians in matters concerning admission to the Institute, making referrals to the Dean of Academics and / or department heads when information depth is desired for a specific field.
- Actively seeks qualified applicants through scheduled visits to high schools, direct mail marketing, and other efforts that provide names of individuals.
Shares with the total Institute the responsibility of offering a proper welcome to visitors to campus, but takes primary responsibility for hospitality to prospective cadets and their parents or guardians.

- Prepares and distributes general publications related to recruitment of cadets.
- Serves as Chairman of the Admissions Committee.
- Develops staff to manage recruitment and manage data for admissions processing.
- Coordinates activities with the Dean of Academics, Commandant, Athletic Director, Director of Financial Aid, Marketing and Communication Director.
- Reports directly to the Chief of Staff.

**Director of Financial Aid**

The Director of Financial Aid advises and makes recommendations on the use of the various financial assistance programs for existing members of the corps and potential new Cadets.

**Responsibilities**

- Uses and maintains the Financial Aid Procedures and Policies as defined herein.
- Processes all Cadets and applicants for financial aid at NMMI.
- Evaluates all documentation which pertains to financial aid.
- Provides a central receiving office for all correspondence and documents required for financial aid.
- Counsels Cadets and / or their parents or guardians in matters concerning financial aid at the Institute.
- Actively seeks financial opportunities through continuous review of Federal, State, Foundation and NMMI resources to provide a measured and balanced financial aid package to each Cadet.
- Prepares and distributes general publications and reports related to financial aid of cadets.
- Serves as Chairman of the Scholarship Committee.
- Develops staff to manage financial aid and data for financial aid processing.
- Coordinates activities with the Director of Admissions, Dean of Academics, Commandant, Athletic Director, Director of Financial Aid, President of the Foundation, and Chief Financial Officer.
- Reports directly to the Chief of Staff.

**Director of Marketing and Communications**

The Director of Marketing and Communications (MarCom) is responsible for coordinating and implementing a local, regional and national news release and public awareness program concerning NMMI, the faculty, staff and the Corps of Cadets. The MarCom also acts on behalf of the President/Superintendent in managing public relations for authorized news releases.
Responsibilities

- Supports NMMI goals and objectives through a public awareness program that encompasses internal, local, regional and national information dissemination through various outlets and other educational institutions.
- Conceptualizes, coordinates, writes and publishes a variety of publications during the school year in support of the Institute, the Alumni Relations department and other associated agencies.
- Fosters and maintains a positive working relationship with various media outlets, civic and community organizations and various other agencies that may have an impact on the Institute’s image.
- Supports the Institute’s admissions, marketing and image functions through the planning and execution of major functions and activities that bolster positive perceptions of the Institute in the public view.
- Serves as the primary advisor to the faculty and staff in all matters relating to public information, promotion and image. Works in concert with the Commandant, Director of Admissions and Director of Alumni Relations as well as other various NMMI functions in effecting programs and activities which benefit their various missions. In concert with the NMMI Archivist, maintains and submits various documents of a historical nature which are of historical significance.
- Maintains multiple databases and files concerning cadet accomplishments and awards. This encompasses the following: solicitation of file material, data entry and retrieval, the generation press releases and other media formats, and mailings to media outlets, parents and other interested parties.
- Coordinates and writes press releases for print, television, radio, social media or other media concerning a wide array of information pertaining to NMMI and its auxiliary functions.

5.4 Dean of Academics / Chief Academic Officer (CAO)

The Dean of Academics is responsible for the administration of the academic junior college and high school, and coordination of all academic divisions of the Institute to include credit and non-credit courses, academic advising and the Toles Learning Resource Center. The Dean of Academics reports directly to the President / Superintendent and serves as a key member of the New Mexico Military Institute President/Superintendent's Executive Staff.

Responsibilities

- Assures that a relevant, up-to-date curriculum is delivered to the Cadets.
- Recommends resources, faculty, and facilities, to support the Institute’s academic programs.
- Serves as a liaison between the faculty and the administration to ensure that faculty and academic concerns are heard.
- Remains abreast of educational expectations of institutions that graduated
Cadets will enter and assures that these expectations are met in the Institute’s program.

- As Chief Academic Officer, leads the institution in envisioning what it needs to be in shepherding the energy and ideas generated into a meaningful strategic plan, and then to implement the strategies to achieve the institution’s vision and mission.
- Promote and lead change.
- Manage the accreditation and assessment process.

**Vice Dean, High School Principal**

The Vice Dean and Principal is expected to be an exempt, 12 month full-time position under general guidance of the Academic Dean/ CAO, the Vice Dean/HS Principal is responsible to the Academic Dean/ CAO for the development, implementation and evaluation of all academic programs. The Vice Dean/HS Principal is responsible for providing visionary, dynamic leadership to the HS faculty, ensuring quality HS academic programs to NMMI cadets, and coordination of the academic operations of NMMI.

**Essential functions:**

- Work collaboratively with cadets, faculty, staff and the wider community in leading NMMI to its fullest potential.
- Provide leadership in the development of institutional policies and long-range plans with particular emphasis upon those pertaining to academic affairs.
- Evaluate academic programs and encourage constructive development.
- Provide leadership to ensure that all academic programs are delivered with the highest possible quality.
- Review research proposals, new course requests, degree programs, and new areas of specialization.
- Foster effective communication and good professional relationships among faculty, administration, and other constituencies.
- Provide leadership in faculty recruitment and professional development.
- Supervise and coordinate the fiscal operation of academic departments. Develop, in conjunction with other appropriate individuals, annual budgets and expenditure plans for the academic organization.
- Chairs a variety of committees to include the Curriculum and Standards Committee
- Participate as a member or advisor in various meetings and conferences.
- Supervise administrative, professional, instructional, and other academic support staff.
Engage in those additional activities consistent with the needs of NMMI’s academic programs and/or required by the Superintendent.

**Associate Deans**

There are currently 5 Associate Deans who represent the academic administration for each of their respective departments to include, Humanities, Math and Science, Social Science, Physical Education, and Resource Learning Operations. The Associate Deans report to the Dean of Academics/CAO for NMMI.

**5.5 Commandant**

The Commandant of Cadets exercises command supervision and mentorship over the Corps of Cadets. The Commandant reports directly to the President/Superintendent and serves as a key member of the New Mexico Military Institute President/Superintendent’s Executive Staff.

**Responsibilities**

- Exercises direct command supervision over the Corps of Cadets (Cadet Body), comprised of up to 1000 High School and Junior College Cadets (Every Cadet is a member of the Corps of Cadets). Directly responsible for the safety, security, health and welfare, mentorship, leader and character development, physical readiness, discipline, control and accountability of all cadets. Oversees and coordinates cadet daily activities, quality of life and most areas normally associated with the Assistant High School Principal and Vice President for Cadet Affairs. The Commandant also serves as the Chief Operations Officer for NMMI.

- Reports directly to the President/Superintendent and is a member of the President’s Executive Council. He directly coordinates with the Chief of Staff, Chief Financial Officer, Chief Academic Officer, High School Principal, Athletics Director and Vice President of Enrollment and Development. He oversees all cadet activities and support functions, and is responsible for event planning, coordination and execution involving the Corps of Cadets. The Commandant works directly with Parent’s Club, Office of Alumni Relations and NMMI Foundation in support of cadets.

- Expected to have a comprehensive understanding of education management and administration at the secondary and post-secondary level. Promotes the success of all cadets by maintaining a “culture of learning” that supports cadet academic achievement, high quality instruction, and leader and character development to meet the diverse learning needs of the Corps of Cadets (Cadet Body).
Responsible for leading, directing, training and evaluating a staff that includes the Deputy Commandant for Operations (DCO), Deputy Commandant for Support (DCS), three Squadron Leadership Advisors (SLAs), twelve Troop Leadership Advisors (TLAs), the Manager of Yates Leadership Complex, a Leadership Development Instructor/Counselor, three Night Accountability and Control Officers (NACO), Cadet Accountability and Training Officer (CATO), Special Projects Analyst/Administrative Specialist, two Administrative Assistants, the Chaplain, the Campus Police Department and five police officers, Cadet Counseling Center with three counselors, and the Protocol and Cadet Services Coordinator. The Commandant coordinates the Corps training activities with the Junior and Senior Army ROTC Military programs (every cadet participates in either Junior or Senior ROTC). The Commandant is responsible for staff recruitment, development, and retention, and is expected to have a working knowledge of each subordinate’s job responsibilities.

Manages the budgets associated with the Commandant’s Office, the Daniels Leadership Center, all Services and Support Auxiliaries, the Police Department, Cadet Counseling Center, Cadet Activities and Entertainment. He approves all purchase orders and financial records including budgets for each activity, reconciliation of checkbook and Business Office accounts, property inventories, requests for funds/deposits and all other business statements.

The Commandant works with a wide variety of individuals, departments and in diverse situations. He must be skilled and knowledgeable in crisis and conflict management. He must be able to communicate complex ideas in written and oral communications, effectively serve on a wide variety of boards and committees, and expertly apply the management functions of planning, organizing, directing, and controlling.

The Commandant of Cadets chairs the Cadet Activities Council.


Oversees operational planning and execution from New Cadet matriculation, orientation, training and assimilation into a military structured boarding school environment, through commencement week activities.
Oversees daily cadet activities and quality of cadet life to include: barracks assignment, supervision, and management; auxiliary services (Dining Facility, Cadet Store, Laundry/Dry Cleaning, Infirmary, Post Office, Game Room and Barber Shop) and transportation requirements in support of community service, ceremonies, cadet extracurricular and co-curricular activities and special events involving the Corps of Cadets.

Fosters a strong collaborative relationship with faculty, informing them of the issues concerning cadet life, communications with parents/guardians, and support of classroom activities.

School disciplinarian, oversees the discipline of the Corps of Cadets. Works to maintain a culture of discipline and guides cadet leaders in developing positive leadership within the Corps. Assigns cadet duties and evaluates performance of cadet leaders. Publishes guidance, regulations, policies, and standard operating procedures for the Corps of Cadets.

Reviews disciplinary reports and acts as the final appellate authority for cadet appeals of all disciplinary actions to include decisions issued by the Performance Review Board and Honor Board.

Responsible for developing and executing prevention and intervention strategies to mitigate high risk behavior and ensure the welfare and healthy living of all cadets. Ensure environmental issues involving the health and safety of cadets are resolved in a timely manner.

Provides the necessary guidance and/or referral of cadets experiencing disciplinary, academic, medical and/or adjustment problems. Mentors and advises the cadet chain of command within their areas of responsibility on matters pertaining to leadership, organizational development and discipline.

Oversees Religious activities and the Cadet Counseling Center to promote the cadets’ spiritual, physical, emotional, social, and academic development to help and guide them in achieving their personal goals. Focuses on prevention of high risk behavior, and the implementation of intervention strategies. Oversees the Institute Drug Free Youth Program.

Ensures the safety of every cadet through emergency preparedness, plans and drills. Establishes procedures in support of emergency action procedures and crisis management.

Directs operations and activities of the Daniels Leadership Center and oversees leader and character development and assessment programs within the Corps of
Cadets. Oversees summer operations and leadership camps, and coordinates NMMI support and services for NMMI sponsored camps.

- Oversees the Corps of Cadets “Leadership Laboratory” and works towards the development of each cadet as a “whole” person with emphasis on the following Learning Outcomes for every cadet:
  - Know and live by NMMI standards of conduct and personal appearance
  - Demonstrate self-control, self-direction and personal accountability
  - Adhere to the Honor Code, displaying ethical and moral behavior
  - Become a productive and supportive team member and a patriotic citizen
  - Become culturally aware, display respect and consideration for others and embrace appreciation for diversity
  - Develop excellent time management skills, a positive work ethic and an eye for attention to detail
  - Demonstrate respect for authority and display military bearing and social etiquette
  - Demonstrate positive character development and personal integrity
  - Successfully live in a shared community environment, and develop a healthy lifestyle and habits
  - Make the right choices and avoid high risk behavior
  - Demonstrate knowledge of NMMI customs and traditions
  - Become a positive leader and role model with an understanding of authority, responsibility and accountability.

- Manages the School Master Calendar and Schedule. Supports the Entertainment, guest speaker, and conference venues on campus for staff, faculty, and cadets. Books live entertainment and movies for cadet entertainment.

- Develops a positive rapport with cadets, parents and guardians, community members and officials who deal with New Mexico Military Institute in a wide variety of capacities.

- Develop strong working relationships with Chief Academic Officer, High School Principal and faculty to enhance cadet learning, assessment and continuous improvement. Works closely with the Institutional Research Officer to support data collection efforts and surveys.

- Work with government and elected officials (local, state, federal levels) and affect public opinion and relations in a manner that supports New Mexico Military Institute in a positive manner. Represent NMMI as directed by President/Superintendent.
Establishes operating guidelines and procedures relevant to the performance and conduct of subordinate staff. Monitors their performance and conducts periodic personal and professional counseling. Maintains personnel records relating to training, continuing professional education and development, work ethic and conduct, disciplinary actions, recognition and awards, and other matters relating to individual performance of the Commandant’s staff. Conducts in-service training for staff and assures that staff performance and conduct is positive and professional.

Supervisory Responsibilities
- Deputy Commandant for Operations
- Deputy Commandant for Support
- Director of Cadet Counseling Center/ Chaplain
- Director of Programs for the Daniels Leadership Center

Deputy Commandant of Operations
The Deputy Commandant of Operations (DCO) is expected to be a Non-exempt, 12 months, full-time position under the direct supervision of the Commandant of Cadets and focuses on the safety, security, health, welfare, discipline, mentoring and accountability of the approximately 1000 Cadets, and a 30 member staff. He/She has the critical responsibility of ensuring effective coordination of campus wide activities involving the Corps of Cadets to produce accurate Training Schedules and Letters of Instructions for special events. He/She directly supervises The Senior Squadron Leadership Advisors (SLAs) and Troop Leadership Advisors (TLAs), the Night accountability and Control Officers, and the Cadet Accountability and Training officer. Assumes the role of Commandant in his absence.

- The DCO advises the Commandant of Cadets on all cadet-related activities, directs and conducts investigations concerning cadets, and makes recommendations. He/she must work well and develop a positive rapport with cadets, parents, guardians, faculty, staff, and community members who deal with New Mexico Military Institute in a wide variety of capacities.

- The DCO must be well read in the Operations and Procedures Manual, Blue Book, Academic Catalogue, Troop Leadership Advisor (TLA) Handbook, Military Field Manuals and other source materials. The DCO supervises and provides performance appraisals for Senior Squadron Leadership Advisors (SLAs), Troop Leadership Advisors (TLAs), Cadet Accountability and Training Officer (CATO) and Night Accountability and Control Officers (NACOs). The DCO develops training plans and schedules, reviews performance factors, recommends and takes corrective measures, counsels, and supports professional development programs.
The DCO works with a wide variety of individuals and situations associated with day to day cadet life. The DCO must be able to communicate complex ideas in written and oral communications; effectively serve on a wide variety of boards and committees; and expertly apply the management functions of planning, organizing, directing, and controlling to common situations involving the Corps of Cadets and New Mexico Military Institute.

The DCO oversees the assessment of the Commandant’s areas of responsibility, and the status, progress and success of “Cadet Learning Outcomes” across the Squadrons.

The Deputy Commandant for Operations (DCO) handles direct day-to-day Corps of Cadet operations which include, but are not limited to, cadet life, cadet leadership development, cadet physical readiness, discipline, and cadet accountability. The DCO directly oversees day to day discipline of the Corps of Cadets, closely monitors those cadets “at risk,” and chairs the Performance Review Board.

- Prepares bi-weekly situation reports on the Corps of Cadet past, current and future activities, and closely monitors Cadet Record Reviews.
- Maintain personnel records relating to training, continuing professional education and development, work ethic and conduct, disciplinary actions, recognition and awards and other matters relating to individual performance of both cadets and subordinate staff.
- Establish operating guidelines and procedures relevant to the performance and conduct of subordinate staff. Monitor their performance and conduct and perform periodic personal and professional counseling.
- Maintain open dialogue with parents/guardians concerning cadet disciplinary issues.
- Keep abreast of existing guidance and proposed changes as to operating procedures and philosophy.
- Ensure environmental issues involving health and safety of cadets are resolved in a timely and resolute manner. Works closely with Campus Police on security issues and cadet vehicle registration.
- Assure that subordinating staff performance and conduct are positive and professional in a manner that will prompt cadets to emulate it. Set the example for all officers in areas of on- and off-post conduct, appearance, bearing and loyalty.
- Keep Commandant informed of “At Risk Cadets” and prepare At Risk/Watch List for those cadets struggling with meeting academic, deportment or physical readiness standards.
- Review disciplinary reports and administer the discipline reporting process in levying merits and demerits and other disciplinary actions.
Make disciplinary decisions based on decisions issued by the Performance Review Board and Honor Board. Ensure the cadet, parent/guardian and Commandant are informed of suspensions or dismissals. Set up appeals of disciplinary process, if requested by the cadet.

- Advise the cadet chain of command within their areas of responsibility on matters pertaining to leadership, organizational development, discipline and other areas of interest, primarily at regimental staff level.

- Maintain a positive rapport with cadets at varied levels of responsibility. Provides for necessary guidance and/or referral of cadets experiencing disciplinary, academic and/or adjustment problems.

- Ensure proper documentation maintained for self-assessment and periodic accreditation

- Maintain and analyze data concerning cadet performance and attrition.

**Deputy Commandant of Support**

The Deputy Commandant of Support (DCS) is expected to be a Non-exempt, 12 months, full-time position under the direct supervision of the Commandant of Cadets and focuses on the safety, security, health, welfare, discipline, mentoring and accountability of the approximately 1000 Cadets, and a 30 member staff. He/She has the critical responsibility of ensuring effective coordination of campus wide activities involving the Corps of Cadets to produce accurate Training Schedules and Letters of Instructions for special events. He/She directly supervises The Senior Squadron Leadership Advisors (SLAs) and Troop Leadership Advisors (TLAs), the Night accountability and Control Officers, and the Cadet Accountability and Training officer. Assumes the role of Commandant in his absence.

- The DCS advises the Commandant of Cadets on all cadet-related activities, directs and conducts investigations concerning cadets, and makes recommendations. He/she must work well and develop a positive rapport with cadets, parents, guardians, faculty, staff, and community members who deal with New Mexico Military Institute in a wide variety of capacities.

- The DCS must be well read in the Operations and Procedures Manual, Blue Book, Academic Catalogue, Troop Leadership Advisor (TLA) Handbook, Military Field Manuals and other source materials. The DCS supervises and provides performance appraisals for Senior Squadron Leadership Advisors (SLAs), Troop Leadership Advisors (TLAs), Cadet Accountability and Training Officer (CATO) and Night Accountability and Control Officers (NACOs). The DCS develops training plans and schedules, reviews performance factors, recommends and takes corrective measures, counsels, and supports professional development programs.

- The DCS works with a wide variety of individuals and situations associated with day to day cadet life. The DCS must be able to communicate complex ideas in written and oral communications; effectively serve on a wide variety of boards and committees;
and expertly apply the management functions of planning, organizing, directing, and controlling to common situations involving the Corps of Cadets and New Mexico Military Institute.

- The DCS oversees the assessment of the Commandant’s areas of responsibility, and the status, progress and success of “Cadet Learning Outcomes” across the Squadrons.
- The Deputy Commandant for Operations (DCS) handles direct day-to-day Corps of Cadet operations which include, but are not limited to, cadet life, cadet leadership development, cadet physical readiness, discipline, and cadet accountability. The DCS directly oversees day to day discipline of the Corps of Cadets, closely monitors those cadets “at risk,” and chairs the Performance Review Board.
- Prepare bi-weekly situation reports on the Corps of Cadet past, current and future activities, and closely monitors Cadet Record Reviews.
- Maintain personnel records relating to training, continuing professional education and development, work ethic and conduct, disciplinary actions, recognition and awards and other matters relating to individual performance of both cadets and subordinate staff.
- Establish operating guidelines and procedures relevant to the performance and conduct of subordinate staff. Monitor their performance and conduct and perform periodic personal and professional counseling.
- Maintain open dialogue with parents/guardians concerning cadet disciplinary issues.
- Keep abreast of existing guidance and proposed changes as to operating procedures and philosophy.
- Ensure environmental issues involving health and safety of cadets are resolved in a timely and resolute manner. Works closely with Campus Police on security issues and cadet vehicle registration.
- Assure that subordinating staff performance and conduct are positive and professional in a manner that will prompt cadets to emulate it. Set the example for all officers in areas of on- and off-post conduct, appearance, bearing and loyalty.
- Keep Commandant informed of “At Risk Cadets” and prepare At Risk/Watch List for those cadets struggling with meeting academic, deportment or physical readiness standards.
- Review disciplinary reports and administer the discipline reporting process in levying merits and demerits and other disciplinary actions.
- Make disciplinary decisions based on decisions issued by the Performance Review Board and Honor Board. Ensure the cadet, parent/guardian and Commandant are informed of suspensions or dismissals. Set up appeals of disciplinary process, if requested by the cadet.
- Advise the cadet chain of command within their areas of responsibility on matters pertaining to leadership, organizational development, discipline and other areas of interest, primarily at regimental staff level.
Maintain a positive rapport with cadets at varied levels of responsibility. Provides for necessary guidance and/or referral of cadets experiencing disciplinary, academic and/or adjustment problems.

Ensure proper documentation maintained for self-assessment and periodic accreditation

Maintain and analyze data concerning cadet performance and attrition.

5.6 Athletic Director

The Director of Athletics plans, maintains and directs nine intercollegiate programs for men and women and sixteen interscholastic varsity and junior varsity boys and girls programs. The Director of Athletics reports directly to the President / Superintendent and serves as a key member of the New Mexico Military Institute President/Superintendent's Executive Staff.

The Department of Athletics operates within the Institute's Mission Statement and the NJCAA, as well as applicable conferences (WJCAC and WSFL) and abides by the rules of the NMAA and applicable district rules and regulations of fair play and amateurism. The primary objective is to provide an environment where cadet-athletes may excel academically and athletically. NMMI subscribes to high standards of academic quality, as well as to breadth of academic opportunity, while striving in the athletic programs for regional and national excellence and prominence. NMMI seeks to maintain a coaching and support staff of men and women who represent the best in academic and physical education instruction and who possess the ability to motivate and inspire the cadet-athlete.

NMMI and its monitoring systems will control all funds or groups supporting athletics. The athletic programs will be used as a rally point for cadets, faculty, staff, and alumni, generating enthusiasm and the "esprit de corps" for a positive bonding effect of all of the Institute's supporters and friends. NMMI's environment should reflect the state's multi-cultural heritage and be sensitive to the needs of all communities that the Institute serves. The Board of Regents supports the principle of gender equity in intercollegiate athletics.

Responsibilities

- The Director of Athletics is responsible for the administration and the operation of the Department of Athletics and physical fitness.
- To ensure compliance with all NJCAA rules and regulations, internal deportment issues, and serve as liaison to the NJCAA for all issues including:
  - Assure all issues concerning NJCAA compliance are addressed and in order.
  - Ensure adherence to NJCAA rules and regulations.
- Responsible for eligibility, pre-certification of eligibility, letter of intent, scholarship offers, and coordination with Admissions and Registrar
- Adopt an ongoing proactive approach to continuing education of compliance related issues with coaching and athletic staff, Cadet athletes, and parents as appropriate, including NJCAA and regulations
- Be prepared to provide all information required in case of an audit by the NJCAA.

- Will coordinate all HPER curriculum related issues with the Dean of Academics, and provide representation to the necessary academic committees (ex. –Associate Deans meetings, Curriculum and Standards, etc.)
- Physical Fitness directs operations of the Godfrey Athletic Center. The primary objective is to provide training and education that will facilitate the performance based and lifetime fitness needs of cadets and other entities that may be served by the division.
- Design, implement, and supervise the Corps Physical Training, Prep physical training, and Athlete strength and conditioning.
- Oversee the selection, training and supervision of Regimental Master of Fitness, Regimental Fitness NCO, and Corps Physical Training (PT) Coaches.
- Oversee the Cadet Swimming and Water Safety/Survival Program as needed by identified non-swimmers, the Academy Prep Program, and Corps PT.
- Coordinate additional recreational and physical fitness opportunities with other campus entities.
- Oversee all cadet and athlete fitness testing and assessment including maintenance of cadet fitness database.
- Assist with fitness testing, training, and education designated by specific contracts athletics and external revenue sources.

- Responsible for the operation of the Sports Medicine Center.
- The Sports Medicine Center exists to provide comprehensive services to the Corps of Cadets.
- Primary responsibility is to provide services for the athletic department.
- Critical functions:
  - Prevention, emergency care, treatment, and rehabilitation of athletic injuries.
  - Education and dissemination of relevant information to cadets/athletes.
  - Proactive approach to continuing education of coaches in relevant subject matter.
  - Houses the athletic training education program (ATEP), and serves as its laboratory.
  - At the discretion of the director of athletic training allows opportunities for non-ATEP Cadets to gain appropriate practical experiences.
  - Maintains and develops relationships with appropriate medical practitioners.
Coordinating care of cadets with the infirmary
Ensuring the safety and welfare of cadet athletes, and responsible for:
Determining participation status for injured athletes.
Determining appropriate environmental conditions for participation in outdoor athletic activities.

The Athletic Director’s designee will:
- Coordinate planning, staffing, and pre and post publication of information regarding athletics events and promotions.
- Generate and compile audio and/or visual records of athletics events including photographs, video, web casts, broadcasts, and, in the case of required collegiate athletic competitions, game statistics.
- Be responsible for reports on athletics events by writing and publishing numerous articles during the school year detailing the results and achievements of the department and its athletic teams.
- Submit required information, such as statistics, rosters, schedules, team pictures, and award nominations, to appropriate outside agencies such as the National Junior College Athletic Association and New Mexico Activities Association.
- Archive the collected material (stats, photos, sound-bites, articles, etc.) for the purpose of easy and quick access and referral.
- Create and maintain databases concerning athletics statistics, accomplishments and awards, by team, Cadet-athlete, coach, and year. Works to archive previous seasons.

- Responsible for operation of individual intercollegiate sports programs or interscholastic sports teams in accordance with departmental and institutional policies as well as those of appropriate governing bodies.
- Responsible for the supervision of assistants and designated personnel.
- Perform duties as HPER, PHEA and PHE instructors as assigned

**Supervisory Responsibilities**

- Compliance Officer
- Associate Athletic Director—Physical Fitness
- Director of Athletic Training/Associate Athletic Director
- Sports Information
- Head Coaches
5.7 Chief Financial Officer

The Chief Financial Officer (CFO) is expected to be an exempt, 12-month full-time position under general guidance of the President / Superintendent, the CFO plans, organizes, oversees and directs the Institutes financial planning, business operations, personnel services, and auxiliary services; organize and direct budget preparation; ensures that assigned functions fulfill Institutes goals and objectives; supervises assigned staff, and to provide highly complex and responsible staff assistance to the President / Superintendent, and Board of Regents.

The CFO’s essential functions are:

- Supervise the planning, organizing and directing of fiscal and administrative policies and programs; supervise the Business Office staff, Comptroller and technical and clerical personnel in the preparation and analysis and evaluation of fiscal activities to include purchasing, receipting, accounting, internal auditing, disbursements, operating budgets and investments.
- Provide staff assistance to the Executive Vice President, to the President and to the Board of Regents as requested; prepare and present staff reports and other necessary correspondence advise on fiscal and administrative policies.
- Direct the development and administration of the budget; receive evaluate and prepare budget requests as well as prepare budget revisions reports, records and statements as required; maintain a working relationships with other state agencies; independently make decisions regarding problems not clearly covered by rules; maintain awareness in current developments in management, higher education, and fields related to assigned functions, monitor regulations and laws; assist in final decisions on school-wide fiscal problems, objectives and procedures.
- Supervise the Business Office operations; supervise the planning, developing and executing of fiscal policy governing the financial operations of the school; implement fiscal management decisions; monitor cost effectiveness and budgetary compliance; provide fiscal direction and coordination; facilitate and coordinate the external annual audit; develop reporting procedures and other methods to establish program accountability and fiscal responsibilities; develop and analyze program and financial planning data; in coordination with the Chief of Staff, prepare, administer and assist in presenting the budget to the Regents Higher Education Department and the NM Legislature.
- Direct the administration of bookstore, food services, infirmary, and accounting services for all auxiliary functions.
Assistant Chief Financial Officer

Assistant Chief Financial Officer (ACFO) is expected to be an exempt, 12 month full-time position. The ACFO works under the direction of and provides essential support directly to the Chief Financial Officer (CFO). The ACFO is responsible for preparing, monitoring and reviewing all components of the budget ensuring integrity of reported information and must be able to perform a variety of accounting and financial reporting related tasks.

The ACFO’s essential functions are:

- Confers with and supports the CFO in developing and monitoring the annual budget.
- Prepare complex financial statements and reports and work with external auditors to prepare and gather information as required.
- Act on behalf of the Comptroller or CFO in his/her absence.
- Work closely with the Comptroller at the direction of the CFO to perform all functions of the Business Office which include accounts receivable, accounts payable, cashiering, payroll, contracts and general ledger accounting.
- Administer bidding process and contracts for the purpose of securing items and/or services within budget and in compliance with regulatory requirements.
- Compiles data from a wide variety of sources for the purpose of analyzing issues, ensuring compliance with a wide variety of purchasing policies and procedures, and/or monitoring purchasing processes.
- Organizes annual surplus auction for the purpose of providing an efficient process for NMMI to dispose of obsolete equipment, furnishing and vehicles.
- Provides oversight for the campus-wide purchasing card agreement.
- Responsible for reviewing and making budget entries from departmental budget requests submitted during the budgeting process and compiling accounting, budgetary and position control information, schedules or tables as requested.
- Attend and participate in budget hearings to better understand the nature and scope of budget requests, answer questions and recommend actions.
- Coordinate management information systems for utilization in the budget process. Assume full responsibility for budget fields within the financial records system.
Coordinate with the Human Resources all activities related to position control, personnel budgets benefit budgets and various other personnel budget related issues.

Responsible for the accumulation of data to support the development of financial analysis and budgeting, including the preparation of quarterly/monthly financial statements.

Conduct legislative bill analysis.

Work closely with the CFO on tasks and/or projects required for efficient functioning of the Finance and Human Resource Office to include follow-up with others on projects assigned by the CFO.

Coordinate the revisions of policies and procedures, guidelines and other documents that have the CFO, as their initiating authority as well as provide general information and answer questions relative to finance and administration policies and procedures including applicable NM State laws and regulations.

Other duties as assigned by supervisor.

5.8 Director of Alumni Relations

The Director of Alumni Relations is expected to be an exempt, 12 months full-time position. The Director of Alumni Relations will serve under the direction of the NMMI President/Superintendent. The primary purpose is to serve as the “operational” director of the NMMI Alumni Relations department. The position serves as the point on Post for alumni and patrons as well as interfacing with the school administration. Evening and weekend work may be required.

The Director of Alumni Relation’s Essential functions,

- Responsible for overall operation of the Alumni Relations Office to ensure the timely and effective support of the NMMI President/Superintendent.
- Supervise the office staff to ensure all alumni services are provided on a timely basis.
- Planning and implementation of outreach activities to enhance alumni connection to NMMI.
  a. Homecoming, Trail Ride, Tattoo’s
- Ensure the timely publication of the bi-annual Sally Port and monthly alumni E-Newsletter.
 Responsible for coordinating accuracy of recording alumni donations/gifts with NMMI Business Office.

 Collaborate with President/CEO of the NMMI Foundation and Development Director in annual fund and capital campaigns, Alumni pooled scholarship endowments and other fund raising efforts.

 Travel as required to support and enhance alumni activity.

 Keep current on policies and procedures affecting alumni organizations.

 Other duties as assigned.

5.8 Administration Organizational Chart
6.0 General Policies

6.1 Approved Calendars
NMMI is involved in a great number of activities throughout the year. Staff should take special care to continually reference the calendars listed herein to mitigate the risk of conflict. Associated schedules, such as athletic schedules are typically dictated by NMMI’s association with that group. Others, such as ACT dates are dictated by national organizations. NMMI recognizes the input of the calendars listed herein are not exhaustive in nature. Key events should follow the Letter of Instruction (LOI) process to develop a schedule for the event. LOIs are developed and maintained by the Commandant.

Master Calendar
The Master Calendar is developed and maintained by the Commandant and staff. The Master Calendar includes specific key items and dates such as Corps events or events which might otherwise affect Corps Activities. The Master Calendar is coordinated with additional inputs such as the Plan of the Day also developed and maintained by the Commandant.

Academic Calendar
The academic calendar is developed by the Academic Dean and staff. It includes key dates for which classes are to begin and end as well as associated dates for testing, etc. At a minimum, the academic calendar is intended to meet or exceed the State period of days for instruction requirements.

Holiday Calendar
The Annual Holiday Calendar is developed by the CFO and staff to provide the official days off for staff during the fiscal year which runs from July 1 to June 30 each year. The Holiday Calendar shall include such days as reduced work hours for year-round or other staff.
6.2 Emergency Procedures and Control

The President/Superintendent is authorized to declare a state of emergency at the Institute upon finding that the orderly processes of the Institute have broken down or are seriously threatened. In making such a finding, the President/Superintendent shall consider whether the situation is so disruptive as to require immediate, extraordinary measures to safeguard persons or property or to maintain the School’s educational function. As soon as reasonably possible, the President/Superintendent shall inform available Regents of the declaration of emergency. When the President/Superintendent determines that the threat has passed, the President/Superintendent shall inform the Regents and declare the state of emergency to be at an end.

During a state of emergency, the President/Superintendent, in the exercise of reasonable judgment under the circumstances, is authorized to take whatever actions are necessary to safeguard persons or property or to maintain the School’s educational function, including suspending Institute activities for all or part of one or more days. Such actions shall remain in effect during the state of emergency, unless sooner cancelled by the President/Superintendent.

President/Superintendent executive orders made during a state of emergency need not be consistent with established Institute policy or procedures. During a state of emergency, the violation of a President/Superintendent order or the commission of any act of misconduct by any person will be considered an offense of the gravest nature, subject to sanctions appropriate to the gravity of the offense. During a state of emergency, failure to identify oneself by name and status as a cadet, faculty member, staff employee, or visitor after being requested to do so by a properly identified official and after being advised of the sanctions for failure to do so, may result in the imposition of disciplinary sanctions.

**Authority:** BOR Policy – 9.2

**Reference:**
- NMNI Campus Safety Plan (6/13/2003)
- NMNI Lockdown, Purpose, Definition and Procedure (11/14/2016)
- NMNI Fire Drill Procedures (8/03/2006)

**Emergency Control**

NMNI has an obligation to conduct its education, business, and support activities on a regular basis and will remain open unless conditions exist which may endanger NMNI community or impact the ability to operate. This policy describes the response of NMNI during such an event which shall be referred to as an incident. In cases of a weather related emergency, this policy may supplement the inclement weather policy.
This policy describes the responsibilities of staff, faculty, and Cadets at NMMI in the city of Roswell during an incident. To facilitate this capability, NMMI shall maintain an Emergency Operations Plan (EOP) as described.

**Authority to Allocate Resources Including Personnel**

The Commandant/Dean of Students is designated as the Emergency Operations Center Director (EOCD). The EOCD is authorized to implement whatever measures are necessary to protect life and property from the effects of an incident. This includes the commitment and use of NMMI personnel, equipment, and financial resources, and calling for assistance from other organizations, as may be required in her/his judgment to cope with the incident. Only the President/Superintendent can modify the EOCD's emergency control orders.

**Emergency Control**

NMMI will conduct incident response in accordance with the National Incident Management System (NIMS), the National Response Framework (NRF), and the Incident Command System (ICS).

**Emergency Operations Plan (EOP)**

To minimize the adverse effects of an incident, NMMI has developed an Emergency Operations Plan (EOP) which serves as the framework of incident response. The EOP will be implemented when NMMI and/or its surrounding community has been subjected to an incident which exceeds or has a negative impact on the resources normally available.

The EOCD is responsible for coordination, maintenance and exercise of the EOP. Any NMMI department which identifies a need for a plan specific to its operation must work with the NMMI EOCD to assure that its plan is coordinated and updated with NMMI's EOP.

**Emergency Management Group**

The NMMI Emergency Management Group (EMG), chaired by the President/Superintendent, is composed of representatives from major areas of NMMI. The Committee is responsible for ensuring that NMMI is prepared to deal with any incident.
Emergency Declaration and Immediate Response

Anyone who encounters an emergency situation should take immediate steps to protect themselves, notify nearby endangered people, and call 911 to initiate NMMS's emergency response systems. If the NMMS Police Department determines that the situation is or will become an emergency, they will notify the EOCD (or designee). Depending on the nature of the emergency, the EOCD will notify the appropriate individuals listed in the EOP and the applicable emergency being activated. If an emergency is declared, the EOCD (or designee) will notify the EMG and the EOP will be implemented.

Emergency Operations Center

Support of incident response will be centralized in an Emergency Operations Center (EOC). The primary role of an EOC is to bring together all relevant information about the incident in one place, organize that information into a useful format, and facilitate the coordination of resources needed to respond to the incident. The EOC will be located away from the areas of highest activity so as to avoid interference with their operations, yet the EOC will be close enough to provide reasonable access to current information. The EOC is designed with redundant forms of communication available, is capable of twenty-four (24) hour operations, and will be secured from unauthorized access. Both a primary EOC and back-up location have been designated.

Activation of the EOC may occur under any of the following circumstances:

- The size of the incident requires logistical support beyond that available on-scene;
- The incident is of long duration; or
- The magnitude of the incident requires external resources or implementation of unified command.

Notifying the Campus

In the event of a significant incident, NMMS Communication and Marketing Department will coordinate efforts to inform faculty, staff, Cadets, and the public of the conditions. The announcements will specify what portion of NMMS is impacted or closed due to the incident. Other NMMS departments, such as the Athletic Department and Public Events are responsible for advising their customers about the status of events if an incident has been declared.
Work Schedules During Emergency

The effectiveness of NMMI emergency control depends upon the total support and rapid response of all personnel. The EOCD will determine which employees play a critical role in emergency control and which employees are required to leave their worksite for safety reasons. These decisions are made on a case-by-case basis and may affect only a portion of NMMI. Employees not affected by the incident will remain at their normal duty station and follow their normal work schedule.

Critical Employees

Employees designated as critical are expected to give their full support and attention to emergency control. They will be paid for hours worked (including overtime for non-exempt employees if forty [40] hours per work week is exceeded). In addition, to acknowledge their dedication and support both exempt and non-exempt employees will be granted additional compensatory time off, at the straight-time rate, for actual hours worked during the incident. Compensatory time taken in such cases is not considered time worked for overtime compensation purposes. If due to the nature of the incident compensatory time cannot be taken in accordance with the policies set forth in the NMMI Human Resources Policies.

Non-critical Employees Required to Leave the Work Site

Employees required to leave their worksite for safety reasons will report their time off as paid administrative leave. This time is not considered time worked for overtime compensation purposes. Employees on previously approved sick or annual leave or on a shift assignment or working in an area not affected by the incident are not eligible for the paid administrative leave.

Final Exam Week

If emergency control is enacted during final exam week resulting in the cancellation of an exam, instructors may elect one of the following options:

- Assign as final grades the current grades that Cadets have going into final exam week.
- Make provisions for Cadets whose exams are canceled to contact them for the re-scheduling of a make-up exam or alternative arrangements.
- As a last resort, choose to assign incomplete grades.
6.3 Safety and Risk Management

NMNI takes reasonable steps to protect the reputation and resources of NMNI. NMNI has safety training and loss control programs. These programs are designed to protect the health and safety of the campus community and the public from hazards and to protect the reputation and physical resources of NMNI against loss or damage. NMNI is unique in the command and control structure as well as limited human resources which generally prohibit a single department to oversee all NMNI safety. NMNI has established a Risk Management Committee as well Safety Committee to review human and material losses. The meetings are to be held quarterly. The committee chair for both meetings is the Director of Facilities or his/her designee. The purpose of the two committees is to retain compliance with State regulations as prescribed by State Risk Management, NMNI’s insuring agency.

NMNI is committed to providing a safe and healthful work, educational, and living environment, to having a positive impact on the natural environment, and to protecting the NMNI’s physical resources and financial assets.

To help achieve these goals, the NMNI has established an extensive safety and loss control program administered by NMNI’s Safety Officer. The NMNI Safety Officer supports the NMNI’s core mission by advancing the safety and health of the NMNI community through risk management, best practices, education, consultation, and collaboration. The NMNI Safety Officer chairs the Loss Prevention & Control Committee and works with the NMNI community to identify, evaluate, and control hazards and potential losses. The NMNI Safety Officer is responsible for informing NMNI departments of compliance requirements and for supporting compliance through training and consultation. The NMNI Safety Officer works collaboratively with members of the NMNI community. However, if compliance requirements are not met or if there is a threat of injury, then the NMNI Safety Officer has the authority to stop the activity. Before stopping any activity, the NMNI Safety Officer shall contact the stakeholders and supervisors overseeing the project.

- NMNI Director of Facilities - Safety and Risk mitigation regarding physical plant/construction matters.
- NMNI Commandant - Cadet well-being and safety matters
- NMNI CFO - Human Resource and safety matters
Campus Wide Responsibility

Responsibility for safety, however, cannot be delegated to one department and must be assumed by every member of the NMMI community. As part of this responsibility, faculty, staff, and Cadets are expected to comply with the NMMI’s safety programs, regulations, and policies, which have been designed to prevent accidents and job-related illnesses, and to protect the environment. Having a safe environment reduces the risk of accidents and associated costs, improves employee morale, and increases productivity.

Within their respective units, deans, directors, department heads, and other supervisors should be aware of the health and safety needs of faculty, staff, Cadets, and visitors. To facilitate these needs, they should work with the NMMI Safety Officer to carry out any preventive and corrective measures that are warranted to minimize hazards. Safety should be an integral part of all courses, especially when there is a potential for accidental injury or illness related to activities in classrooms, laboratories, studios, or shops. The NMMI Safety Officer shall assist with mitigating penalties and fines for violations. However, the unit that received the violation bears responsibility for paying the penalty or fine.

Regulatory Agencies

If a representative of a federal or state regulatory agency contacts an employee or Cadet to conduct a safety inspection, the employee or Cadet should contact the NMMI Safety Officer (in the Facilities Department) immediately. The NMMI Safety Officer will facilitate the inspection and provide trained professionals to work with the agency.

NMMI Safety Officer

The NMMI Safety Officer reports to the Chief of Staff. The department includes the following NMMI administrative units: Workers’ Compensation and Casualty Insurance. Controlling the NMMI’s risk exposure requires education, communication and campus-wide involvement. A campus-wide advisory committee, the Campus Loss Control Committee, works to control risk and to ensure compliance with regulatory mandates. This Committee will be chaired by the NMMI Safety Officer and consist of representatives from the NMMI’s Academic, Commandant and Athletic Departments, NMMI Internal Auditor, Facilities Department, NMMI’s Health Provider, Police Department, Commandant, and NMMI Controller.

NMMI Safety Officer is responsible for:

- Identifying and analyzing areas of risk exposure.
• Analyzing and recommending appropriate risk control techniques.
• Developing and maintaining a data management system.
• Implementing and monitoring safety, training, and quality assurance programs.
• Analyzing, reporting, and monitoring risk management data and information.

Health & Safety

The NMMI Safety Officer and associated Safety committee inspects and reviews incidences within NMMI facilities to identify unsafe situations or actions that could cause accidents or injuries. To promote workplace safety, it oversees compliance with the Occupational Safety and Health Administration (OSHA), including such topics as confined space, lock-out/tag-out, and personal protective equipment. It investigates accidents, works to eliminate risks of slipping and falling, and provides training on defensive driving. To promote the well-being of the NMMI’s work force, it provides consultation and other services to identify and correct ergonomic hazards.

The NMMI Safety Officer and committee is responsible for coordination of programs and activities including but not limited to:

• Building and Laboratory Inspection Program
• Comprehensive Safety and Health Training Program
• The NMMI Safety Officer Manual
• Emergency Preparedness Activities from an Occupational Safety perspective
• Employee Accident Trending and Reporting
• Hazardous Material Management Program

The Health & Safety Program is responsible for the following programs and regulations:

• Occupational Safety and Health Administration regulations such as Confined Space, Lock-Out Tag-Out, and Personal Protective Equipment
• National Fire Protection Association regulations
• Accident Investigations
• Defensive Driving Program

Risk Identification

NMMI Safety Officer will identify risks, estimate the probability of loss, and advise the administration on sources of risk exposure and recommend appropriate risk control techniques for specific exposure problems. Risk exposure will be identified by reviewing financial statements; property records; incident and inspection reports; and consulting with NMMI Counsel, administrators, faculty, and staff.
Risk Control

Risk control techniques include:

Risk Reduction and Avoidance

The NMNI Safety Officer will advise the administration of potential risks and the appropriate risk control techniques which can be used to limit or avoid exposure. The NMNI Safety Officer will administer a risk reduction/loss-prevention program which includes written policies and procedures, training, and documentation of occurrences. The NMNI Safety Officer will coordinate all interaction with the New Mexico Risk Management Division, Office of the Insurance Commissioner, State Fire Marshal’s Office, Roswell Fire Department, and other federal, state, and local agencies and regulatory organizations as applicable.

Acceptance of Risk

The NMNI Safety Officer will analyze the relative risk to the resources impacted and advise of the risk exposure should the administration decide to accept a specific risk. The potential cost of the risk will be weighed against the probability and severity of the loss.

Transfer of Risk

Risk may be transferred to other parties through insurance and/or indemnity provisions.

Construction Safety & Risk Policy

The Construction Safety & Risk Policy ensures that the NMNI’s construction projects comply with applicable health and safety standards. The program is involved in all construction, construction-like activities, renovation, and demolition, whether performed internally or externally. This program also ensures that liabilities associated with safety and health risks, including future costs and ongoing maintenance issues, are addressed during the planning and design phases of construction.

At all stages of construction, the Construction Safety & Risk Policy works to identify, evaluate, and mitigate recognized construction-related hazards. Involvement begins at the design phase, continues through the construction phase, and ends at project closeout. During the planning phases, the Director of Facilities and the CFO is consulted to determine the proper type and level of insurance and bonding necessary for each project.
Working closely with the Facilities Department and other stakeholders, the Construction Safety & Risk Policy provides the steps necessary to identify and inform the workforce of safety regulations and best practices in order to mitigate potential hazards. The Construction Safety & Risk Policy also ensures regulatory compliance, but has no involvement in the actual performance of construction projects.

All personnel working on a construction project, including all NMMI staff, have the authority and responsibility to pause or stop work when an imminent danger or condition is observed or reported that could adversely impact health or safety, the environment, or the NMMI’s reputation. For other identified health and safety hazards, such as infrastructure problems or necessary design changes, the Director of Facilities or her/his designee will assure coordination with the project manager in charge of the project prior to pausing or stopping work.

**Construction Contractor Health and Safety Program**

The NMMI’s contractors are responsible for the health and safety of their workers and for protecting the environment. Compliance with health and safety requirements is a condition of a contractor’s performance contract and a failure to fulfill the requirements may lead to contract termination.

The NMMI bears responsibility for following and enforcing all applicable health and safety requirements to a contractor prior to the execution of a construction contract. Depending on a project’s proposed scope, the Project POC may be asked during the design phase to identify appropriate health and safety requirements for incorporation into the contract. During all phases of a construction project, the Director of Facilities oversees contractors’ compliance with the health and safety requirements.

Regardless of the level of activity or applicable health and safety requirements, the general contractor and subcontractor bear responsibility for developing and submitting a Site-Specific Health and Safety Plan (SSHASP) that addresses all health and safety topics required by the contract. Work will not commence on the project until the Director of Facilities has reviewed and approved the SSHASP.

**Insurance**

NMMI is required, pursuant to Section 15-7-2 NMSA 1978 (1991 Repl.), to purchase insurance coverage through the New Mexico Risk Management Division of the General Service Department for risks for which governmental immunity has been waived by the Tort Claims Act. The NMMI Safety Officer should work closely with the Risk Management Division to ensure the lowest premiums possible. In addition, the director should perform an analysis of premiums against exposure and experience factors in order to justify any premium increases.
The NMMI’s insurance coverage is divided into the following types of coverages:

- Automobile Insurance
- Boiler and Machinery
- Bond and Money and Securities
- Fine Arts
- General Liability, Civil Rights, and
- Foreign
- Jurisdiction
- Law Enforcement Officer Liability
- Medical Malpractice Liability
- Property
- Workers’ Compensation

**Indemnity**

The CFO will work with NMMI Counsel and departments which generate contracts to ensure all contracts entered into by NMMI contain the proper indemnification clauses.

**Data Management**

NMMI Safety Officer is responsible for developing and maintaining an information system in coordination with existing systems for timely and accurate recording of incidents, losses, claims, insurance premiums, compliance with federal and local mandates, and other related information and costs.

**Safety, Quality Assurance, and Training Programs**

Safety awareness is critical in controlling risk and loss. NMMI Safety Officer will develop and implement a safety and loss prevention training program. Each department should work with NMMI Safety Officer to develop a safety and security plan for their area that includes procedures for emergency situations.

NMMI Safety Officer will develop, implement, and monitor a NMMI-wide quality assurance program aimed at improving the quality of services which impact the NMMI’s risk exposure. The department will monitor critical activities (such as patient care, safety, and security) and compare information to established standards, thresholds, and procedures. Significant deviations will be investigated, problems identified, and solutions developed and implemented.

NMMI Safety Officer will develop educational programs which address needs identified through the safety and loss prevention program and the quality assurance program. The department will establish and maintain communication with the campus community on
regulatory requirements and current developments in risk management and quality assurance.

Environmental Affairs Policy

The Environmental Affairs Policy identifies the responsibilities of NMMI’s compliance with environmental regulations, and with collecting, minimizing, transporting, treating, and disposing of hazardous materials.

To determine potential exposure to chemical, biological, or physical hazards, the Director of Facilities shall monitor work and academic environments. When potential health hazards are identified, the Director of Facilities shall develop abatement plans to reduce the risk of injury or illness resulting from exposure to these hazards. As part of its monitoring of work and academic environments, the Director of Facilities oversees compliance for programs including but not limited to:

- Environmental Protection Agency regulations, such as for hazardous chemical waste; New Mexico Environment Department regulations.
- drinking water, storm water, and wastewater monitoring
- Occupational Safety and Health Administration regulations
- chemical spill responses
- chemical storage, inventory, and safety data sheets
- industrial hygiene monitoring
- indoor air quality
- local exhaust ventilation management
- biosafety
- monitoring contractors’ chemicals
- community right-to-know reporting
- infectious waste disposal
- Chemical Safety Best Practices
- Chemical Inventory and Material Safety Data Sheets
- Enterprise Reagent Management software

Fire Safety Policy

The Fire Safety Policy promotes fire safety in the NMMI’s work, academic, and living environments. The NMMI Fire Safety Policy assures NMMI’s compliance with the National Fire Protection Association regulations, the State Fire Prevention Code, and other applicable fire safety laws and standards. As part of this work, the Fire Safety Policy provides standards for fire safety education and training, and investigations for all fires that occur on NMMI property.
Fire Drills

The Director of Facilities or her/his designee shall conduct regularly scheduled fire drills as required by the appropriate code or regulation on all facilities outside of the primary living quarters at NMMI.

The Commandant/Dean of Students and the Director of Facilities shall coordinate fire drill schedules and exercises for the dormitory areas.

Records of all drill events shall be kept in the Facilities Department to be ready for review by the appropriate regulatory agency.

Reporting and Monitoring

Incident Reporting

The NMMI Safety Officer will assign responsibility for each type of risk to an administrative component for processing and monitoring. Departments must report all incidents of potential risk to NMMI Safety Officer.

Internal Reporting

NMMI Safety Officer is responsible for analyzing insurance premiums, uninsured losses, and other risk costs. These costs will be allocated to the appropriate accounts. All NMMI departments and administrative units will share in all losses through deductibles; this encourages risk prevention at the unit level. Trending analysis will be used to assist in the allocation of insurance premiums and the identification of areas where greater risk control is required.

Monitoring

NMMI Safety Officer is responsible for conducting safety audits and will mandate corrective action to ensure compliance with applicable laws, regulations, and policies.

6.4 Use and Possession of Alcohol on NMMI Property

This policy governs the use of alcohol on NMMI property. The use and possession of alcohol is prohibited on NMMI property, except as authorized herein. For the purposes of this policy, the use of alcohol refers to the possession, service, or consumption of alcoholic beverages. It applies to cadets, cadet organizations, faculty, staff, parents, all NMMI departments and other entities, and visitors. This policy applies to property owned, leased
by, or operated by NMMI and to all events sponsored by NMMI or its subunits. It does not apply to property owned by NMMI and leased to others, unless it would otherwise apply.

NMMI recognizes that alcoholic beverages are legal commodities that may be used responsibly by persons of legal drinking age. NMMI also recognizes that alcohol use may lead to significant individual and societal harm. This policy is intended to reduce alcohol-related harm while allowing for the legal, safe, and responsible use of alcohol. NMMI also recognizes that diversity of opinion and freedom of choice are the foundations of institutions of higher education, and that the use of alcoholic beverages by those of legal age is a matter of personal choice. Individuals who choose to use alcohol on NMMI property in accordance with this policy must comply with state law and NMMI policies and procedures, and conduct themselves responsibly, mindful of the rights of others.

**Use of Alcoholic Beverages**

NMMI employees are prohibited from drinking alcoholic beverages or being under the influence of alcoholic beverages during working hours, or while operating or riding in a NMMI vehicle.

The use of alcohol on NMMI property is prohibited except as follows or where licensed.

**Receptions or Other Social Functions**

Alcohol may be used at receptions or other social functions sponsored by a NMMI department or other unit when approved by NMMI President or designee in advance, in writing. Such events should normally involve special guests of NMMI or otherwise be a non-routine occurrence, such as a reception for visiting dignitaries. The reception or function must be by invitation only and held in a location that can reasonably be closed to the public. The following additional restrictions apply:

- Only beer and/or wine may be served.
- Sale of alcohol is prohibited. Cash bars and entrance fees intended to help defray the cost of providing alcoholic beverages are prohibited.
- Service of alcohol at office parties or similar office social events is prohibited.

Alcoholic beverages may be sold and served at any NMMI location possessing a legal license to sell and serve alcoholic beverages.

**Housing**

Alcoholic beverages may be used by persons twenty-one (21) years of age or older in:
Athletic Venues

Tailgating

Individuals partaking in tailgating activities located on NMMI property may NOT consume alcoholic beverages before the events:

Tailgating Rules

Advertising or announcements as to availability of alcohol are prohibited. All participants must comply with state laws regarding the use of alcohol, NMMI policy, and signage posted in the tailgating areas. There shall be no sale of alcohol.

Licensed Locations

Ticket holders may not bring alcohol into any athletic events. Alcohol may be served and sold in licensed locations at NMMI sanctioned events on Post or adjacent to the Post to individuals of legal age (21 years old or older) who have tickets or invitations to those events. In no case shall such events allow NMMI cadets to consume or enter an area where consumption is taking place.

Food Preparation

Alcohol may be used in food preparation in NMMI food production areas.

State Law

State law governs many aspects of the consumption and serving of alcohol. All individuals who use and/or serve alcohol on NMMI property must comply with the applicable legal requirements.

Purchase of Alcohol

The purchase of alcohol with NMMI funds is prohibited except as follows:

Alcohol may be purchased for hospitality events for guests of NMMI when such beverages are customary and reasonable considering the facts and circumstances of the event. Payment or reimbursement for the purchase of alcohol shall not be made from contract and grant funds.
Request for Approval

A department sponsoring an authorized function must complete a Request to Serve Beer or Wine on NMMI Property and send it fifteen (15) business days prior to the reception or function to the President/Superintendent’s Office for review. All requests will be subject to the President/Superintendent's approval. If an entity outside NMMI co-sponsors any event, the co-sponsor must obtain liquor liability insurance in the amounts required by NMMI. Proof of insurance must be sent to NMMI Business Office no later than ten (10) business days prior to the event. NMMI must be named an additional insured.

Restrictions

Whenever alcohol is used on NMMI property, the following restrictions apply.

- The sponsors must take precautionary measures to ensure that alcohol is not used by persons who appear intoxicated; and/or who are under the age of twenty-one (21).
- Sponsors shall assure no NMMI cadet regardless of age will be served alcoholic beverages.
- Sponsors must follow principles of good hosting which include having non-alcoholic beverages and food available, and providing planned programs. The use of alcohol shall not be the sole purpose of any activity.
- Non-alcoholic beverages must be available at the same place and be as noticeable as the alcoholic beverages.
- A reasonable portion of the budget for the event shall be spent on food.
- Any form of a "drinking contest" in activities or promotions is prohibited.
- There shall be no kegs or use of devices that facilitate the rapid ingestion of beer or other alcoholic beverages, such as “beer bongs,” and no sale of alcohol.

Promotional Materials

Alcohol shall not be mentioned in any promotional materials for an event and shall not be used to encourage participation.

Education, Support Groups, and Services for Alcohol-Related Problems

In light of social and health problems associated with alcohol abuse, NMMI will provide educational services to faculty, staff, and Cadets about alcohol-related problems. Cadets, faculty, and staff may get assistance from the following NMMI programs.
Alcohol Information and Educational Presentations

The following programs provide alcohol information and educational presentations:

- Cadet Counseling Center
- NMMI Infirmary
- New Mexico Rehabilitation Center 72 Gail Harris St, Roswell, NM 88201 575-347-3400
- Employee Health Promotion Program

Consultation and/or Referral for Alcohol Related Problems

The following NMMI programs provide consultation and/or referral for alcohol-related problems:

- Infirmary/ Health Center
- Counseling Assistance and Referral Service
- NMMI Counseling Center

Related Policies

Other policies dealing with alcohol on campus at the time of adoption of this policy include:

- HR Manual
- NMMI Policy on Illegal Drugs & Alcohol, Blue Book

Sponsorship by Alcohol Beverage Companies

This policy governs sponsorship and advertising by businesses that provide, sell, market, or distribute alcoholic beverages on NMMI property or at NMMI events. Advertising is any advertisement, signage, label, logo, packaging, imprint, sales promotion activity or device, public relations material or event, merchandising, or other activity or communication that has the obvious intent of promoting or marketing a non-NMMI product, service, event, or organization. Businesses that provide, sell, market, or distribute alcoholic beverages are permitted to sponsor or co-sponsor a NMMI event, subject to the provisions of this policy and provided that the primary audience is of legal drinking age. Sponsorship means that a NMMI department or unit is actively involved in the event itself.

NMMI recognizes that alcoholic beverages are legal commodities that may be used responsibly by persons of legal drinking age. NMMI also recognizes that alcohol use may
lead to significant individual and societal harm. This policy is intended to reduce the potential for alcohol-related harm while allowing for the legal, safe, and responsible use of alcohol. NMMI has the right to refuse any advertising, marketing, or sponsorship. Any allowed advertising, marketing, or sponsorship shall not adversely affect NMMI’s reputation.

Provisions

Alcohol beverage marketing programs:

- shall not contain indecent or profane material or demeaning, sexual, or discriminatory portrayal of people;
- shall support campus alcohol education programs that encourage informed and responsible decisions about the use or nonuse of alcohol;
- shall not encourage any form of alcohol abuse or emphasize amount and frequency of use;
- shall not violate the principles of NMMI’s Affirmative Action/Equal Opportunity Policy;
- shall not portray drinking as a solution to problems or an aid to social, sexual, or academic success;
- shall not provide alcoholic beverages as awards or prizes;
- shall not encourage alcohol use or imply that alcohol use improves tasks that require skilled reactions such as sports, driving, or operating machines; and
- shall not imply NMMI’s endorsement.

Advertising and Promotions

Informational marketing programs shall have educational value and encourage the responsible and legal use of the products represented. At a minimum, a statement such as "This company supports the legal and responsible use of this product" must appear in all advertisements.

Authorization

Approval of sponsorship and promotional activities for any NMMI event or program is subject to the review and approval by the President/Superintendent.

Publications

NMMI publications and publishers of non-promotional materials distributed on campus are strongly encouraged to follow the above provisions.
Outdoor Vendors

Street-side sales of specialty and hand-crafted items are an integral aspect of southwest culture and can contribute to the social and cultural environment of the campus. However, the presence of unregulated outdoor vendors on NMMI campus impinges on and degrades the educational environment and the process of education. In addition, such unregulated vending mars the beauty and tranquility of the campus and contributes to unnecessary congestion, noise, and trash. Commercial vendors do not have the right to use NMMI property free of charge.

Purpose

The purposes of this policy are to allow for outdoor vending, but in a controlled manner that:

- protects and preserves the academic environment of NMMI from unnecessary disturbance;
- protects and preserves the beauty and tranquility of NMMI environment;
- promotes health and safety of NMMI community;
- prevents commercial exploitation of Cadets; and
- protects and preserves NMMI's proprietary interests in its property.

Application

6.5 Unauthorized Vending Prohibited

No person shall sell food, goods, or services or carry on a trade or business on NMMI property without the expressed consent of NMMI.

Outdoor vending is governed by the provisions of this policy.

Vending within NMMI facilities is prohibited unless authorized and approved in advance by the facility custodian such as the dean or director of the School, College, or Department.

Property Subject to Policy

This policy applies to NMMI campus to include the Post, golf course, athletic fields, and adjacent Post properties.
Private and Non-Profit Vendors

This policy applies to all private commercial and non-profit vendors not associated with NMMI who seek to sell goods or services on NMMI property. This policy does not apply to vending or distribution by mechanical device which may be regulated by NMMI through a bid or procurement process. Food and beverage vendors are not covered by this policy. Experienced food and beverage vendors who wish to provide services on campus must contact NMMI Purchasing Department.

NMMI Organizations

This policy also applies to vending by NMMI organizations (e.g., departments, Cadet organizations, or clubs).

Commercial Advertising or Speech

This policy does not apply to commercial advertising or speech. Such activities are regulated by the Regents' policy.

Vendors to NMMI

This policy does not apply to vendors or owners or operators of commercial vehicles who are selling goods or services directly to NMMI or any officers, employees, or agents of NMMI for the conduct of NMMI business or to other vendors conducting business on NMNI campus as authorized through NMNI procurement process. Refer to campus parking and traffic regulations for vendor parking permit information.

Authorized Vending Locations

Main Campus

Outdoor vending is allowed by private commercial and non-profit vendors or NMNI organizations only as provided for in this policy and only in the areas designated by the permit. Permits and procedures will be issued by the Cadet Activities Center.

NMNI organizations and all commercial and non-profit vendors not associated with NMNI will be assigned a location on campus by the Cadet Activities Center. In some instances, specific vending site permits will be issued in accordance with the procurement process used to select food and beverage vendors.
Vending in Residence Halls

Outdoor vending is allowed by private commercial and non-profit vendors or NMMI organizations only under the provisions of this policy and only in the areas determined by the Residence Life Department. Permits will be issued by the Business Office.

Vending Permits

Vending Without Permit Prohibited

Every private commercial and non-profit vendor must obtain a permit from NMMI and must also pay a fee in advance to cover the term of the permit. NMMI organizations must obtain a permit for vending activities but are exempt from paying any fees for these activities.

Food and Beverage Vending

No permits shall be issued, under the scope of this policy, to vendors other than NMMI organizations to sell food, beverages, or other ingestible products. Private commercial or non-profit food, beverage, or ingestible vending may be authorized by NMMI through its procurement process for specific site locations.

Special Events

NMMI reserves the right to close the campus or a portion thereof to regular vending on any particular day for special occasions and/or allow special vending opportunities. If permits have already been issued for that day, NMMI will refund the permit fee and provide the vendor as much notice as possible to the address and/or phone number indicated on the application form.

Permit Application

Permit applications for vending other than food and beverage vending on NMMI property will be filed with and considered by the Chief Financial Officer.

All applications shall include:

The applicant's name, address, and telephone number.
- The name, address, and telephone number of the company or organization represented by the applicant.
- A statement as to whether the applicant is a NMMI organization.
- The type of vending activity proposed.
• The date, time, and duration as well as the location of the vending activity proposed.
• The applicant's New Mexico Gross Receipts Tax Number; (non-NMMI organizations);
• The applicant's TIN/EIN - Tax Identification Number/Employer Identification Number (non-NMMI organizations);
• The applicant's SSN - Social Security Number.

Issuance of Permits

The CFO shall determine the method for the issuance of permits and provide that such use does not interfere with or interrupt educational uses or other uses directly related to the operation of NMMI and subject to the provisions of this policy.

• NMMI must determine that space is available at the time and location stated in the application.
• The applicant must pay the required fee at the time of application. NMMI organizations will not be required to pay these fees. The fees will be returned if the permit is not issued.
• The applicant must furnish proof of a New Mexico Taxation and Revenue Department Tax Identification Number (non-NMMI organization).
• By signing an application for a permit, the applicant shall agree to defend, indemnify, and hold harmless NMMI from and against all claims, costs, liabilities, charges, damages, and the like, arising out of the vendor's use and occupancy of NMMI property.

Permit Fees

All fees are payable in advance. Fees will not be charged for NMMI organizations. A fee schedule is published and subject to change with proper authorization and approval of the Director of the Cadet Activities Center. NMMI may use an alternate fee schedule or make special fee arrangements for special events. Revenues returned to NMMI by food and beverage vendors are determined through the procurement process.

The proceeds from the permit fees will primarily be used to support Cadet publications. Fees from credit card marketers will fund educational programming on credit and debt issues for Cadets.

Vending Location

The exact vending location will be designated in the permit. The vending will be confined to the location assigned by NMMI in the permit.
Duration of Permit

The maximum period for which a vending permit will be issued at one (1) time is for an academic semester period or four (4) months.

Administration

Processing of Permits

Permit applications for vending on NMMI property shall be filed and approved through the Office of the Chief Financial Officer (CFO).

Requirements and Limits of Operation

In addition to the conditions stated herein, vendors and NMMI organizations who have been issued permits shall observe the following rules:

- Vending must be confined to the location designated on the permit and staffed at all times.
- No vendor shall, by operating on NMMI property, restrict access to NMMI buildings or other facilities.
- The vendor shall display its permit at all times while operating on NMMI property.
- The vendor shall keep the designated area free of trash and safety hazards.
- The vendor will be held responsible for any damage or cleaning that is incurred as a result of the vending.
- The use of sound amplification equipment or devices is not approved under this policy.
- No vendor shall sell, display, or offer for sale any product or services which are prohibited by law, or inconsistent with NMMI policy.
- Permits are not transferable.
- No vendor shall bring motorized vehicles into its assigned location.
- No vendor shall use trees, bushes, benches, walls and other NMMI property to display and/or hang merchandise. Vendors may not use NMMI utilities, except for special events with the approval of the Director of the Cadet Activities Center.

Revocation of Permits

The permit issuer shall have authority to revoke any permit if the vendor fails to comply with the terms of the permit or the provisions of this policy. In the event of revocation, no fees will be refunded to the vendor. Private commercial and non-profit vendors
whose permits are revoked shall be prohibited from vending on NMMI property for a period of not more than one (1) year.

6.6 Minors on Campus

Although NMMI is committed to the safety of all members of its community, NMMI has particular concern for potentially vulnerable populations, such as minors, who may require special attention and protection. This policy establishes general standards for minors participating in NMMI programs and for minors visiting NMMI workplaces and classrooms. Individual units of NMMI may develop more stringent standards to address their particular needs, including ethical standards and codes of conduct.

Definitions

For the purposes of this policy, the following terms are defined as specified:

- “Abuse or neglect of minors” means infliction of physical or mental injury, sexual abuse, or exploitation, or negligent treatment or maltreatment of a person under age 18.
- “Authorized adults” means individuals including program leaders, whether paid or unpaid, who interact with, supervise, chaperone, mentor, or otherwise oversee minors in NMMI programs.
- “Campus” means all buildings, facilities, and properties that are owned, operated, managed, rented, or controlled by NMMI for NMMI programs.
- “External organization” means a third-party vendor or other non-NMMI organization or individual that uses NMMI facilities to conduct a program or activity with minors pursuant to an approved contract with NMMI.
- “Minor” refers to a person who is under the age of 18, but does not include Cadets enrolled at NMMI or Cadet employees at NMMI.
- “Program leader” means the person primarily responsible for the management, oversight, and implementation of a NMMI program for minors.
- “NMMI program” means an activity for minors (1) operated or sponsored by a NMMI department, college, or school, (2) during which NMMI assumes responsibility for the care, custody, or control of the minors.
- “NMMI program” does not mean:
  o Activities in which minors are supervised by parents, guardians, chaperones, or third parties
  o Kindergarten through 12th grade groups visiting campus as members of campus tours
  o Patrons of educational or entertainment events or activities, such as at Popejoy or the Duck Pond
o Human subjects research involving minors conducted under the oversight of an institutional review board

**Code of Conduct**

Members of the campus community, particularly those working with minors, are expected to perform their duties with the highest degree of integrity, honesty, and good judgment consistent with Regents’ Policy. To ensure the safety and wellbeing of minors, those who interact with minors on campus are encouraged to meet in groups or public areas, and to be aware of the impact of their words and actions.

As discussed in Section 6, under state law, all members of NMMI community must report immediately if they have reasonable cause to suspect abuse or neglect of minors.

**NMMI Program Requirements**

Program leaders must obtain from each minor’s parent or guardian a signed copy of the Minor Participant Waiver and Notice of Risk Form (Exhibit A), and the Minor Participant Emergency Contact and Medical Release Form (Exhibit B). Or, alternatively, program leaders may obtain from each minor’s parent or guardian a signed copy of other similar forms that have been reviewed by NMMI Counsel.

Program leaders should provide that the ratio of adults to minor program participants follow the American Camp Association ratios:

- 5 years and younger: 1 staff for each 5 overnight campers and 1 staff for each 6 day campers
- 6–8 years: 1:6 for overnight, and 1:8 for day
- 9–14 years: 1:8 for overnight and 1:10 for day
- 15–18 years: 1:10 for overnight and 1:12 for day

Licensed Child Care Centers affiliated with NMMI are subject to the childcare center requirements specified in New Mexico law.

**Training for Those Participating in NMMI Programs**

Program leaders should identify the authorized adults who must complete appropriate training. Training is offered to employees through Learning Central. The same training can be offered to other authorized adults who are not employees through links on the Main Campus Compliance Office’s website. The training includes:

- Basic warning signs of abuse or neglect of minors.
- Guidelines for protecting minors from emotional and physical abuse and neglect.
• Requirements and procedures for reporting incidents of suspected abuse or neglect or improper conduct.

Units may offer additional training to authorized adults to meet the specific needs of individual NMMI programs.

**Criminal Background Checks**

Authorized adults who will have one-on-one contact with minors or participate in overnight activities with minors, must clear criminal background checks prior to participation in these NMMI programs. Program leaders may require other authorized adults to clear background checks prior to participation in NMMI programs. Additional information on background checks can be found in NMMI HR Policies.

**External Organizations**

External organizations must:

• Establish a contractual relationship with NMMI for the use of facilities or resources;
• Identify a contact person or agent who will coordinate with NMMI;
• Ensure that their staff has undergone background checks that, at a minimum, comply with Section 4.2; and
• Provide evidence of insurance coverage that lists “NMMI” as an additional insured party.

**Reporting Abuse or Neglect of Minors**

NMMI requires all Staff, Associated organizations and related entities to report any concern regarding abuse or neglect of minors to the appropriate NMMI staff member and to include a positive response of receipt of said report. NMMI takes all such reports as allegations and will formalize an investigation regarding the same.

**Emergencies**

In case of an emergency, one should immediately call NMMI Police at (575) 624-8421 or 911.

**Reports of Known or Suspected Abuse or Neglect of Minors**

Every member of NMMI community has an obligation under New Mexico law to report any instances or suspected instances of the abuse or neglect of a minor. Anyone who
knows, suspects, or receives information indicating that a minor has been abused or neglected, or who has other concerns about the safety of minors, should contact NMMI Police or the State of New Mexico Children, Youth, and Families Department at 1-855-333-SAFE (7233).

Program leaders must take immediate steps to prevent further harm to the alleged victim or other minors, including, where appropriate, removing the alleged abuser from the program or activity or limiting his or her contact with minors pending resolution of the matter.

Retaliation

NMMI policy (“Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”) protects individuals from retaliation when they make good faith reports of suspected misconduct that may be taking place at NMMI.

Non-NMMI Cadet Minors in the Workplace or Classroom

As discussed in this section, in certain circumstances, it may be appropriate for faculty, or staff to bring their minor children to the workplace or classroom. In such situations, the goal should be to foster respect for the needs of all parties impacted by the presence of the minor children. Faculty, staff, and Cadets:

- May occasionally bring minors to the workplace for brief visits, specific campus events, situational convenience, or family emergencies. These should be occasional and not in the place of regular childcare.
- Must obtain prior approval from their workplace supervisor or classroom instructor before bringing a minor to the workplace or classroom.
- Accept full responsibility for the minor’s safety and supervision, and for any damage to property or injury to persons that is caused by the minor’s presence.
- Accept responsibility for monitoring the minor’s behavior to prevent interruptions to NMMI business or instruction.

If a minor is too ill to be sent to the regular childcare location or school, he or she generally should not be brought to the workplace or classroom. Exceptions may be made if prior approval is obtained from the supervisor or instructor.

Minors are not allowed in high-risk or hazardous areas as defined by the supervisor or instructor. These areas may include mechanical rooms, food preparation areas, areas with heavy equipment, NMMI vehicles, or laboratories or other specialized hazardous areas.
6.7 Police and Security Services

NMMI is committed to the protection of people and property and the preservation of human rights. The NMMI Police Department is responsible for providing police and security services to achieve this objective and places emphasis on proactive measures which include maintaining adequate security on campus and at NMMI-sponsored or sanctioned special events. All non-NMMI and non-NMMI Hospital employee security services must be contracted through the NMMI Police Department; procurement of security services through other means is prohibited. Security services include but are not limited to security for NMMI-sponsored or sanctioned special events, guard posts, patrols, escorts, and facility checks. This policy applies to all property leased or under the control of NMMI, with the exception of branch campuses. Any security to be provided by outside vendors must be approved by the Chief of Police.

Need for Security Services

Special Events and Rental of Facilities to External Users

A special event is any non-routine, non-academic event that may require security due to the large number of attendees, public role of guests, controversial nature of speakers or subjects, or involvement of dignitaries. Any department, group, or organization hosting a special event or renting a facility to external users must complete a Special Event Notification form and submit it to the NMMI Police Department ten (10) business days before any scheduled event or rental. For the purposes of this policy business days are defined as Monday through Friday 8:00 am to 5:00 pm. A notification is not required when facilities are used for educational programs, board meetings, or school-sponsored events.

This notification must be completed even if the department, group, or organization does not anticipate a need for security. The notification form is available on the NMMI Police website and requires:

- the date, time, and location of the event or facility usage;
- a detailed description of the event or facility usage including names of speakers and entertainment;
- expected attendance and composition (Cadets, employees, public, special interest groups, etc.);
- type of facility used;
- type of event or facility usage (concert, symposium, etc.);
- admittance criteria (open to the public, by invitation only, ticket holders, etc.);
- alcohol availability;
- any special security requirements (e.g. cash collections); and
• Banner index number.

If you have questions concerning the notification or are missing required elements of the notification form, contact the Police Department for assistance.

**Ongoing Need for Security Services**

Due to the nature of their activities some departments require security services on a regular, ongoing basis (such as guard posts and patrols). The NMMI Police Department will work with departments to identify the security structure that best meets their needs.

**Programmatic Needs**

On occasion a department may engage in a unique program that due to the population served, subject matter discussed, or materials used may result in special security needs. In these situations it is important that departments consult with the NMMI Police Department as soon as possible before the start of the program to discuss any security concerns. The NMMI Police Department has expertise with these issues and has access to security information which will assist in an informed assessment of security needs.

**Security**

After an analysis of the event, program, or facility rental based on currently available information the NMMI Police Department will determine the number of police officers, security officers, or combination of officers required to reasonably address the safety and security of participants, and the NMMI Police Department will contract for such services. In extraordinary circumstances if the security risk to NMMI is too high, the Chief of Police is authorized to cancel the event, program, or facility rental.

The event, program, or facility rental sponsor is responsible for security costs based on the number of police and/or security officers required and the length of event, program, or rental. The NMMI Police Department will provide a cost estimate, but actual fees will be determined after the event, program, or rental based on actual circumstances. In exceptional situations, the Chief of Police is authorized to waive a portion of the security fees if it is determined the event, program, or rental is in the public's best interest. NMMI departments will be invoiced internally for security fees. Non-NMMI sponsors may be required to pay a deposit based on the estimated security costs, and will be billed for the difference based on actual costs incurred. If an event is canceled, the sponsor must notify the NMMI Police Department no later than two (2) business days prior to the scheduled date of the event, program, or rental. Inadequate notice, including cancellations due to unforeseen circumstances (inclement weather, speaker
cancellation, equipment failures, etc.), will result in the sponsor being charged for any security costs incurred.

6.8 Respectful Campus

NMMI promotes a working, learning, and social environment where all members of the NMMI community, including but not limited to the Board of Regents, administrators, faculty, staff, Cadets, and volunteers work together in a mutually respectful, psychologically-healthy environment. NMMI strives to foster an environment that reflects courtesy, civility, and respectful communication because such an environment promotes learning, research, and productivity through relationships. Because a respectful campus environment is a necessary condition for success in teaching and learning, in research and scholarship, in patient care and public service, and in all other aspects of NMMI’s mission and values, NMMI is committed to providing a respectful campus, free of bullying in all of its forms. This Policy describes the values, cornerstones, and behaviors that delineate a respectful campus and applies to all members of the NMMI community, including, but not limited to Cadets, faculty, and staff.

Values

A respectful campus exhibits and promotes the following values:

- displaying personal integrity and professionalism;
- practicing fairness and understanding;
- exhibiting respect for individual rights and differences;
- demonstrating harmony in the working and educational environment;
- respecting diversity and difference;
- being accountable for one’s actions;
- emphasizing communication and collaborative resolution of problems and conflicts;
- developing and maintaining confidentiality and trust; and
- achieving accountability at all levels.

Cornerstones of a Respectful Campus

The commitment to a respectful campus calls for promotion of an environment where the following are upheld:

- All individuals have important contributions to make toward the overall success of NMMI’s mission.
- NMMI's mission is best carried out in an atmosphere where individuals at all levels and in all units value each other and treat each other with respect.
• Individuals in positions of authority serve as role models in the promotion of a respectful campus. Promoting courtesy, civility, and respectful communication is consistent with the responsibility of leadership.
• Individuals at all levels are allowed to discuss issues of concern in an open and honest manner, without fear of reprisal or retaliation from individuals above or below them in NMMI’s hierarchy. At the same time, the right to address issues of concern does not grant individuals license to make untrue allegations, unduly inflammatory statements or unduly personal attacks, or to harass others, to violate confidentiality requirements, or engage in other conduct that violates the law or NMMI policy.
• Bullying is unacceptable in all working, learning, and service interactions.

Destructive Actions

Actions that are destructive to a respectful campus will not be tolerated. These actions include, but are not limited to:

• Sexual harassment;
• Retaliation;
• Conduct which can affect adversely NMMI’s educational function, disrupt community living on campus, or interfere with the right of others to the pursuit of their education or to conduct their NMMI duties and responsibilities;
• Unethical conduct;
• Bullying behavior which is defined herein;

Bullying

Definition

Bullying can occur when one individual or a group of individuals exhibits bullying behavior toward one or more individuals. Bullying is defined by NMMI as repeated mistreatment of an individual(s) by verbal abuse, threatening, intimidating, humiliating conduct or sabotage that creates or promotes an adverse and counterproductive environment, so as to interfere with or undermine legitimate NMMI learning, teaching, and/or operations. Bullying is not about occasional differences of opinion, conflicts and problems in workplace relationships as these may be part of working life. Bullying can adversely affect dignity, health, and productivity and may be grounds for corrective disciplinary action, up to and including dismissal. NMMI Counseling, Assistance, and Referral Services (CARS) Department and NMMI Ombuds/Dispute Resolution Services for Faculty and Staff can provide guidance for determining whether behavior meets
the definition of bullying. Examples of behaviors that meet the definition of bullying above include, but are not limited to:

**Physical Bullying**

Physical bullying is pushing, shoving, kicking, poking, and/or tripping; assault or threat of physical assault; damage to a person’s work area or property; damage to or destruction of a person’s work product.

**Verbal Bullying**

Verbal bullying is repeated slandering, ridiculing, or maligning of a person or persons, addressing abusive and offensive remarks to a person or persons in a sustained or repeated manner; or shouting at others in public and/or in private where such conduct is so severe or pervasive as to cause or create a hostile or offensive educational or working environment or unreasonably interfere with the person’s work or school performance or participation.

**Nonverbal Bullying**

Nonverbal bullying can consist of directing threatening gestures toward a person or persons or invading personal space after being asked to move or step away.

**Anonymous Bullying**

Anonymous bullying can consist of withholding or disguising identity while treating a person in a malicious manner, sending insulting or threatening anonymous messages, placing objectionable objects among a person’s belongings, leaving degrading written or pictorial material about a person where others can see.

**Threatening Behavior toward a Person's Job or Well-Being**

Making threats, either explicit or implicit to the security of a person’s job, position, or personal well-being can be bullying. It is not bullying behavior for a supervisor to note an employee’s poor job performance and potential consequences within the framework of NMIM policies and procedures, or for a professor or academic program director to advise a Cadet of unsatisfactory academic work and the potential for course failure or dismissal from the program if uncorrected.
Reporting Destructive Actions

The destructive actions described herein should be reported in accordance with the applicable policies and procedures listed herein; however, extreme incidents may be reported directly to NMMI Police. Bullying behavior should be reported as follows:

Cadets

An individual who believes a Cadet has engaged in bullying behavior should report the behavior to the Commandant Office. Cadets in the School of Medicine who believe that a faculty member has engaged in bullying behavior towards them should follow the procedures in the NMMI School of Medicine “Teacher Conduct and Learner Complaints.” All other Cadets who believe that a staff or faculty member has engaged in bullying behavior towards them may follow the procedures listed below.

Cadets may also report bullying behavior by:

- contacting the Commandant Office,
- calling the NMMI Counseling Center
- contacting any NMMI staff member.

If the bullying of Cadets is based on race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, gender identity, ancestry, medical condition, or spousal affiliation, it should be reported to NMMI Office of Equal Opportunity.

Staff

An individual who believes a staff member has engaged in bullying behavior may report the behavior to their supervisor or to NMMI Human Resources Department. The individual should select the reporting method he or she is most comfortable with and is most appropriate to the situation. Although bullying behavior may not meet the definition of misconduct in the NMMI HR Policy, suspected bullying behavior will be reported and investigated in the same manner as misconduct.

Faculty

An individual who believes a faculty member has engaged in bullying behavior should follow the procedures listed on the Faculty Handbook website maintained by the Office of NMMI Secretary. These procedures were approved by the Faculty Senate and all subsequent changes must be approved in accordance with processes defined by the Faculty Senate.
Monitoring

An annual survey will be undertaken by the Faculty Senate Policy Committee in collaboration with the Staff Council and the Division of Human Resources to measure the effectiveness of the Respectful Campus Policy. The survey should provide ongoing monitoring of faculty and staff attitudes concerning the campus climate and culture. The survey results will be distributed to the Faculty Senate, Staff Council, President of NMMI, and Tier One staff.

6.9 Campus Violence

NMMI is committed to providing an environment that is free from violence. Any acts or threatened acts of violence will not be tolerated. Anyone engaging in such behavior will be subject to discipline, up to and including dismissal and may also be personally subject to other civil or criminal liabilities. This policy is not intended to supersede federal, state, or local laws, rulings, and/or regulations.

An environment that is free of fear will be possible only if all members of NMMI community accept their share in this responsibility. All threats and violent behaviors should be taken seriously. Any situation that poses an immediate danger to self or others must be reported to the police by dialing 911. An employee who is the victim of, a witness to, or has knowledge of violent behavior of any of the types listed in the section below, or has reason to believe that violent behavior may occur at, or in connection with NMMI activities, must report the situation or incident promptly to his or her supervisor or anonymously to Crime Stoppers (277-STOP). If the employee's supervisor is involved in the violent behavior, the employee shall report the behavior to the supervisor's immediate supervisor.

Supervisors shall follow up on all reports of violence or possible violence and are encouraged to contact NMMI Counseling, Assistance, and Referral Service (CARS) as soon as possible. Supervisors should not investigate the situation. For information and/or assistance in dealing with potentially violent behavior, contact CARS, NMMI Dispute Resolution Department, NMMI Safety & Risk Services, or Campus Police. For procedures on reporting incidents of sexual harassment, refer to NMMI's “Support and Reporting Options for Recipients Of Sexual Misconduct” found on NMMI’s website. For more information specifically related to Cadets refer to the "Cadet Code of Conduct" located in the Policies Section of The Blue Book: The NMMI Cadet Handbook.
Confidentiality

NMMI will treat reports about violence or potential violence as confidential to the extent circumstances permit. An employee reporting violent or potentially violent behavior is protected from retaliation in accordance with NMMI Policy.

Violent Behavior

Violent behavior will not be tolerated.

- Violent behavior includes verbal, written, physical, electronic, or non-verbal threats or other behavior that would constitute a threat of violence or cause a reasonable person to be fearful.
- Violent behavior includes physical acts against persons, NMMI property, or property belonging to others that would constitute a threat of violence or cause a reasonable person to be fearful.
- Violent behavior includes restraining an individual or interfering with someone's free movement, except in patient care or child care areas when specifically authorized by departmental policy.
- Violent behavior includes the possession or use on NMMI property of firearms, ammunition, or weapons of any kind, unless authorized for law enforcement personnel by NMMI Chief of Police. This also includes brandishing any object that could reasonably be perceived as a weapon. NMMI's policy on weapons is listed herein.
- Violent behavior includes the use or possession on NMMI property of dangerous substances or materials, explosives, or incendiary devices, unless used for NMMI business, such as research, and specifically authorized in advance by NMMI Safety Officer.

Weapons Prohibited on NMMI Property

Law enforcement officers, in the performance of their authorized duties, may carry weapons on campus. ROTC Cadets conducting required and supervised drills may carry inoperable weapons only for the purpose of those drills.

With the foregoing exceptions, no person may use or possess a weapon on any part of campus. For the purpose of this policy, weapons include, but are not limited to, firearms, ammunition or other dangerous weapons, substances, or materials, bombs, explosives, or incendiary devices. Persons with such weapons, materials, or devices must enter campus at the closest point to the Campus Police Office and deposit all weapons or materials at that office for the duration of their stay. Dangerous substances
and materials used for NMMI business, such as research, must be authorized in advance by NMMI Safety Officer.

If any person does carry such weapons and/or materials on campus, the weapons and/or materials may be impounded by a law enforcement officer for the duration of the person's stay on campus and the person may also be subject to appropriate disciplinary and/or criminal action.

**Incident Assessment Team**

In addition to the initial reporting required, supervisors must report all incidents of violence or potential violence to NMMI Safety Officer. NMMI Safety Officer must report these incidents to the Chair of the Incident Assessment Team as soon as possible. These reports will be reviewed by NMMI's Incident Assessment Team which has representatives from Campus Police, CARS, Dispute Resolution, Human Resources, NMMI Safety Officer, NMMI Counsel, and the Health Sciences Center. This team will:

- review reports of violence, workers' compensation claims, and employee surveys to identify patterns of violence that could be prevented by security devices, procedural changes, and/or employee training;
- evaluate work sites to identify hazards, conditions, operations, and situations that could lead to violence and recommend measures to prevent or control hazards; and
- review post incident responses to ensure effectiveness of the supervisor's and NMMI's responses and recommend corrective action and/or revised procedures if necessary.

**Discipline**

Given the serious nature of violations to this policy, such violations can result in acceleration of the steps in progressive discipline.

**Prevention**

Prevention is a key to providing a safe work environment. Training and awareness can assist in preventing violence. The Alarms Division of NMMI Physical Plant Department can assist departments with installation of security devices such as alarms.

**Training**

Both employee and supervisor training are needed to prevent violence in the workplace. Departments should receive training on the identification and management of violent or potentially violent situations. CARS and NMMI Safety Officer provide training.
Awareness

Events in the workplace such as corrective discipline, layoffs, harassment, and employee impairment can trigger violence and should be handled with care. Violence can erupt even when these events are handled appropriately and with compassion. CARS can provide assistance in dealing with these types of situations. The Dispute Resolution Department can provide assistance to supervisors and/or employees in resolving work-related issues and problems.

- Supervisors and managers must comply with NMMI HR Policy which describes policies and procedures for improving performance and applying corrective discipline.
- Supervisors and managers must comply with NMMI HR Policy which discusses proper notice, reemployment rights, and benefit rights for an employee who may lose his or her job through a layoff.
- Supervisors and managers must comply with NMMI HR Policy which defines sexual harassment and provides procedures for reporting sexual harassment to NMMI Office of Equal Opportunity.
- Supervisors and managers must comply with NMMI HR Policy which provides procedures for a supervisor who suspects that an employee reporting or returning to work is impaired due to alcohol or other substances.

Managers also need to pay attention to signs of stress in the workplace, including organizational or job changes that affect employees, friction between employees and/or customers, and hazardous working conditions and seek assistance. CARS can help employees experiencing stress and can also assist supervisors with identification and reduction of stress.

6.10 Bicycles and Other Non-Motorized Vehicles

NMMI recognizes the value of bicycles, skates, skateboards, and other similar non-motorized vehicles as nonpolluting forms of transportation and healthful recreation. Although NMMI encourages the use of non-motorized vehicles for commuting to campus and for cautious transportation on campus, inappropriate use can cause injuries to persons and damage to property. Individuals using bicycles, skates, skateboards, and other non-motorized vehicles on campus must at all times yield to pedestrians, use due caution, and exercise concern for the safety of self and others. Motorized and non-motorized devices used by mobility-impaired individuals are excluded from this policy. The President of NMMI may ban specified types of non-motorized vehicles from all NMMI property or from particular areas on campus, on either a permanent or temporary basis.

Users of non-motorized vehicles, including bicycles, skates, skateboards, and other similar devices on NMMI property must comply with all aspects of this policy seven (7) days per
week, twenty-four (24) hours per day. Users include, but are not limited to, Cadets, faculty, staff, and visitors. Persons believed to be in violation of this policy must produce identification upon request.

**Non-motorized Vehicles**

For the purposes of this policy non-motorized vehicles include, but are not limited to, the following:

- Bicycles, unicycles, tricycles, and similar vehicles regardless of the number of wheels.
- Skates, including in-line skates, rollerblades, and roller skates.
- Skateboards which include wheeled boards of any size or type including scooters.

**Safety**

The users of non-motorized vehicles are responsible for being in control at all times of their bicycle, skates, skateboard, or other non-motorized vehicle so as not to endanger the safety of themselves or others. In all situations, pedestrians have the right of way and users of non-motorized vehicles must yield to pedestrians. The speed of non-motorized vehicles shall be limited to a prudent rate that will avoid collisions. Users must keep a reasonable distance, generally 15 feet, from buildings to ensure use of non-motorized vehicles does not disrupt NMMI classes or business, interfere with pedestrian traffic, or damage physical structures. Areas fifteen (15) feet around buildings, areas inside buildings, and handicap ramps are designated as Dismount Areas in which the use of non-motorized vehicles is prohibited. Dismounting may be necessary to access bicycle racks. Users are encouraged to use safety helmets and other protective equipment and clothing. Bicyclists shall comply with all applicable state laws and regulations concerning the proper riding of bicycles and required equipment including lamps, bell, and brakes.

**Prohibited Acts**

The following acts with non-motorized vehicles are prohibited on NMMI property at all times:

- Performing acrobatic maneuvers, stunts, trick riding, or similar movements.
- Using excessive speed.
- Jumping on or over steps, benches, rails, walls, fountains, or other permanent or temporary fixtures.
- Skating or riding any non-motorized vehicle on handicap access ramps.
- Skating or riding any non-motorized vehicle inside a NMMI building or within fifteen (15) feet of a NMMI building.
- Parking a bicycle any place other than at an authorized bicycle rack.
• Taking bicycles into NMMI buildings except as authorized by the appropriate dean, director, or department head.
• Placing bicycles inside NMMI buildings in a manner that blocks entrance and egress routes or public ways or that constitutes any safety hazard.
• Participating in any activity which reasonably presents a risk of injury to persons or damage to property.

Enforcement

The NMMI Police Department and NMMI Safety, Health, and Environmental Affairs Department are responsible for enforcing this policy.

Sanctions

All Cadet and visitor violations will be referred to the Commandant for review and action under the Cadet Code of Conduct and the Visitor Code of Conduct. All faculty and staff violations will be referred to the cognizant dean, director, or department head. Violators of this policy may also be subject to arrest for violation of state law.

Bicycles improperly parked on NMMI property or inside NMMI buildings as described above are subject to removal by the NMMI Police and/or NMMI Physical Plant Department. Impounded bicycles may be retrieved at the NMMI Police Department.

Bicycle Registration

Users are encouraged to register their bicycles free of charge at NMMI Police Department. Registration helps in the location and identification of stolen bicycles.

6.11 Recreational Drones

This policy pertains to the outdoor use of hobby or recreational drones, model airplanes, and other unmanned aerial vehicles or unmanned aerial systems (all of which are collectively referred to as “recreational drones” in this policy).

In order to protect the health and safety of the campus community and the public, recreational drones may not be flown above the NMMI campus, except as described in related sections of this policy and in accordance with the Federal Aviation Association (FAA) safety guidelines for the use of recreational drones.

The scope of this policy is limited to the use of recreational drones. Although outside the policy’s scope, the use of drones for research, educational, or commercial purposes requires
an exemption from the FAA under Section 333 of the Modernization and Reform Act of 2012 or a certificate of waiver or authorization from the FAA, and sometimes both.

**Safety Guidelines for the Use of Recreational Drones**

The FAA has established safety guidelines for the use of recreational drones, which include:

- Flying below 400 feet and remaining clear of surrounding obstacles
- Keeping the aircraft within the visual line of sight at all times
- Remaining well clear of and not interfering with piloted aircraft operations
- Not flying within five miles of an airport, unless the airport and control tower are notified before flying
- Not flying near people or stadiums
- Not flying a drone that weighs more than 55 pounds
- Not being careless or reckless with the drone

**Proximity to Airports and Stadiums**

The FAA’s safety guidelines state that recreational drones should not be flown in close proximity to airports or stadiums, unless the airport and control tower are notified before flying. Notably, there are two nearby hospital helicopter landing pads located within one-quarter (1/4) mile of NMMI. In addition to NMMI outdoor stadiums or competitive sport venues on the NMMI campus, there is another stadium nearby at the Wool Bowl.

**General Prohibition on the Use of Recreational Drones**

The use of recreational drones on campus exposes the campus community and the public to the risk of injuries from crashes, operator errors, and mechanical failures, as well as privacy invasions and other undesirable consequences. On and near the NMMI campus are airports and stadiums, for which recreational drones pose heightened safety risks. For these reasons, NMMI has instituted a general prohibition against flying recreational drones outdoors above the NMMI campus, except as described in related sections herein.

**Obtaining Approval for the Use of Recreational Drones for Special Events**

The use of recreational drones for special events on the NMMI campus may be approved on a case-by-case basis by submitting a request to NMMI Police at least three weeks prior to the planned event. The NMMI Police will review the request and notify the applicant whether an exception has been granted. When an exception is granted,
recreational drones should be flown in accordance with the FAA safety guidelines and other applicable standards, including those indicated by NMMI Policy.

References

FAA Guidelines for NMIIanned Aircraft Systems (Fly for Fun)

FAA Guidelines for NMIIanned Aircraft Systems (Fly for Work/Business)

6.12 Animal Control on NMII Property

NMII maintains an environment designed to support the education, research, and public service mission of NMII. Since the presence of animals on NMII property can adversely affect the normal functions of NMII, disrupt community living on campus, and interfere with the rights of others to participate in NMII activities by causing bodily harm to individuals, unsanitary conditions, and nuisances, NMII has adopted the following policy pertaining to animals on campus.

This policy does not apply to animals used by NMII for teaching, research, therapeutic, or other authorized NMII activities. Nor does this policy apply to the service and assistance animals addressed in NMII Policy as defined herein.

Restrictions

All animals on NMII property must be on a leash and under the constant supervision and control of their owner/guardian at all times. Animals are not permitted in NMII buildings or facilities except as authorized by the appropriate dean, director, or department head. Animals may not be left unattended at any time on campus. Animals may not be tied or tethered to any NMII property, including, but not limited to buildings, railings, bike racks, fire hydrants, fences, sign posts, benches, and trees. Animals are not permitted on athletic fields. Animals may not disrupt or interfere with NMII activities, including but not limited to teaching, research, service, or administrative activities. Owners/guardians are responsible for:

• ensuring their animals have all vaccinations and licenses required by applicable laws and ordinances;
• controlling their animals;
• cleaning up after their animals;
• any damage to property or injury to person caused by their animals; and
• complying with this policy and all state, county, and city laws pertaining to animal control while on campus.
Violations

Owners/guardians who violate this policy may be given a citation by NMMI Police and may be subject to charges under the "Cadet Code of Conduct" and the "Visitor Code of Conduct." Any person may contact Campus Police to report a violation of this policy.

Service and Assistance Animals

In keeping with federal and state law, NMMI recognizes its responsibilities to extend equal access to individuals with disabilities who use a Service Animal on NMMI property. NMMI will not discriminate against individuals with disabilities who use Service Animals nor, subject to the terms of this Policy, deny those persons access to programs, services and facilities of NMMI. This policy applies to individuals with disabilities and Service Animals as defined in federal law.

Service Animal

A service animal means any dog or other animal, except as otherwise specified, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Therefore, comfort or companion animals are not Service Animals. For safety and infection control purposes, Service Animals shall not include nonhuman primates, birds, amphibians, reptiles, fish, hedgehogs, prairie dogs, cats or rodents.

Assistance Animal

An Assistance Animal means any animal that provides emotional support, comfort, or therapy that alleviates one or more identified symptoms or effects associated with its owner’s disability. Unlike a Service Animal, an Assistance Animal need not be individually trained or certified to perform any disability-related task. Assistance Animals are sometimes referred to as therapy, comfort, companion, or emotional support animals. Generally, Assistance Animals are not permitted in classrooms or in public areas on campus.
Applicability

This policy applies to all employees, and visitors of NMMI who qualify to use a Service Animal as an accommodation. To deem that a Service Animal is a reasonable accommodation, the following criteria must be met:

- the individual must have a disability as defined under federal law;
- the animal must meet the definition of Service Animal under federal law and serve a function directly related to the disability; and
- the request to have the animal must be reasonable.

A Service Animal shall be permitted in any area of NMMI that is unrestricted (not off limits to Service Animals due to codes or regulations) to employees or visitors provided that the Service Animal does not pose a direct threat, as defined herein and that the presence of the Service Animal would not require a fundamental alteration of NMMI policies, practices, or procedures. A person with a disability who uses a Service Animal on NMMI property shall not be required to pay a surcharge. Any decision to exclude a Service Animal from a particular area of NMMI shall be made on a case-by-case basis. NMMI will take appropriate action to address violations of this policy, up to and including disciplinary action or removal from NMMI property.

Direct Threat

A direct threat is a significant risk to the health or safety of others that cannot be eliminated or mitigated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. If NMMI determines that a Service Animal poses a direct threat to the health or safety of others in a building or portion thereof, access to the facility by the Service Animal will be denied. In determining whether a Service Animal poses a direct threat to the health or safety of others, NMMI shall make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to identify:

- the nature, duration, and severity of the risk;
- the probability that the potential injury will actually occur; and
- if there are reasonable modifications of policies, practices, or procedures that will mitigate the risk.

Inquiries by NMMI Employees

A Service Animal must be trained to provide specific support services to the individual with a disability. Generally, when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., a dog is observed guiding
an individual who is blind or has low vision or pulling a person’s wheelchair), NMMI employees should not make otherwise allowable inquiries. If it is not readily apparent, NMMI employees shall not ask about the nature or extent of the individual’s disability, but may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. NMMI employees cannot ask for documentation, such as proof that the animal has been certified, trained or licensed as a Service Animal. For NMMI programs or classes held at non-NMMI facilities, the owner of the property may require notification or verification of the Service Animal.

Responsibilities for the Care and Supervision of Service Animals

Individuals with Service Animals are responsible for managing and handling their Service Animals at all times while on NMMI property, maintaining proper infection control measures, and are responsible for the behavior and activities of the animal. Individuals are personally responsible for any damages to a facility caused by their Service Animals. Service Animals on NMMI property must be:

- licensed in accordance with applicable state, county, or local laws or ordinances pertaining to the type of Service Animal;
- in good health and well groomed;
- housebroken (the individual with the disability is responsible for the proper disposition of any Service Animal accidental waste); and
- harnessed, leashed, or otherwise under the control of the individual with a disability (e.g., voice control, signals, or other effective means) such that the Service Animal does not disrupt or interfere with the ability of other users of the space or activity.

Removal of Service Animal

An individual with a disability cannot be asked to remove his or her Service Animal from the premises unless the animal poses a direct threat to the health or safety of others or the Service Animal or individual fails to meet one or more of the requirements of this policy or federal laws and regulations. A history of allergies or fear of animals are generally not valid reasons for denying access or refusing service to individuals with Service Animals; however all situations will be evaluated on a case-by-case basis. If after careful evaluation removal is necessary, NMMI employees should consider an alternative option for the individual to obtain the goods and/or services.

6.13 Inspection of Public Records

Citizens in a democracy have a fundamental right to have access to public records. This right is recognized by the New Mexico Legislature through the New Mexico Inspection of
Public Records Act, NMSA 1978, §§ 14-2-1 et seq. ("IPRA"), and by the New Mexico Supreme Court, which stated in 1977 that a citizen’s right to know is the rule and secrecy is the exception. This Policy and other related policies, including "Recruitment and Hiring," and "Disclosure of Personnel Information," deal in whole or in part with the legal obligations of NMMI under IPRA. IPRA provides that every person has a right to inspect the public records of this state, subject to certain exceptions. “Public records” are defined by IPRA as all documents and records, regardless of physical form, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained.

NMMI is committed to fully complying with IPRA, and to making certain that pertinent NMMI policies conform to existing IPRA requirements. Nevertheless, the right of public inspection under IPRA is subject to certain exceptions. The right of public inspection is limited to existing public records, and NMMI is not required to create a public record that does not otherwise exist. Exceptions to the right to inspect public records that are specifically listed in IPRA include, but are not limited to, medical records, letters of reference concerning employment, licensing or permits, matters of opinion in personnel or Cadet files, confidential law enforcement records, documents covered by the Confidential Materials Act, trade secrets, attorney-client privileged information, and records that are considered non-public "as otherwise provided by law." Listing every kind of record that is exempt from IPRA disclosure requirements is not practical, and no attempt has been made in this and the related policies to interpret the application of IPRA to every kind of record that may become the subject of an IPRA request. However, some examples of records that NMMI considers exempt from public disclosure under IPRA include employee Social Security numbers, personnel evaluations, opinions regarding whether a person would be re-hired or regarding why an applicant was not hired, proprietary and protected information provided by a third party, and data relating to intellectual property or research that may result in patentable inventions, significant discoveries, or publications. If a document contains both exempt and non-exempt information, NMMI must separate the non-exempt material and make it available for inspection.

Medical records are exempt from public inspection under IPRA. Individuals requesting copies of medical records should contact the specific hospital, center, or clinic that rendered care, such as NMMI clinic, treatment Center, family practice clinic, or Hospital for procedures and the applicable fee schedule. Medical records are covered by the Health Insurance Portability and Accountability Act (HIPAA). Cadet records are exempt from public inspection as provided under the Family Educational Rights and Privacy Act ("FERPA"). Parents or Cadets requesting their records should contact NMMI Registrar or the Cadet Health clinic as appropriate. If Cadet records are requested, NMMI will comply with FERPA which pertains to all Cadet records.
Custodian

NMMI Custodian of Public Records (the "Custodian"), in the Office of NMMI President, is the official custodian of public records for NMMI and is designated by the President/Superintendent as the Chief of Staff. The Office of the Chief of Staff shall provide information on NMMI's website concerning contact for records. The Custodian is responsible for:

- responding to all requests to inspect public records;
- determining whether requested records exist and where they are located, and working with NMMI Counsel about any apparent legal issues related to producing records for inspection and possible denials of requests;
- providing proper and reasonable opportunities to inspect public records, including assembling the records as appropriate;
- providing reasonable facilities to make copies or furnish copies of the public records during usual business hours;
- consulting with intellectual property counsel for NMMI or for STC.NMMI regarding any requests that might involve disclosure of trade secrets or attorney-client privileged information related to intellectual property; and
- maintaining a log of all requests that include the date and nature of the request, a copy of the request, any correspondence relating to the request, date of the response, copies of all documents made available in the response, and any other pertinent information.

Only the Custodian, or a designee of the Custodian, may respond to requests for public records, except for requests for medical records or Cadet records as specified in related sections herein.

Procedure for Requesting Public Records

Public copies of certain NMMI documents, including recent Regent agendas are available for inspection through the Custodian of records.

Individuals who want to inspect public records of NMMI other than medical or Cadet records, must submit a request to the Custodian, identifying the records sought with reasonable particularity. Oral requests are generally permissible, but the Custodian may, for good cause, ask the requester to make a formal request in writing. A written request must include the requester's name, address and telephone number. No person requesting records shall be required to state the reason for inspecting the records. Any NMMI employee who receives a request for inspection of public records shall promptly forward the request to the Custodian and notify the requester that the request has been forwarded.
Notification that Information has been Requested

If an IPRA request seeks information relating specifically to a particular individual or to a small number of individuals, such as a current or former employee or Cadet or an applicant for employment, the Custodian will promptly give notice to each such individual of the request and the name of the requester. Such notice may be given by any means (including, for example, by telephone, e-mail or postal mail) that appears under the circumstances to be reasonably calculated to impart prompt actual notice to each individual who is the subject of the request. Within five (5) days after the Custodian has given such notice, any individual so notified may provide comments to the Custodian regarding the request or the requester. No individual who has been so notified may prevent the Custodian from releasing the requested information if that information is subject to public inspection under IPRA.

Time Required for Compliance

The time requirements in this section reflect the requirements of IPRA, and are based on the date when the written request is delivered to the office of the Custodian. If the records sought are subject to public inspection under IPRA, the Custodian shall permit inspection sought by a written request immediately or as soon as is practicable under the circumstances, but not later than fifteen (15) days after receiving such written request. The custodian will strive to provide an opportunity to inspect the requested records within three (3) business days. In determining whether permitting the inspection within three (3) business days is reasonably practicable under the circumstances, the Custodian may consider whether notice of the request has been given to any individual as provided in related sections herein, above, and if so, any comments that any such individual has provided to the Custodian. If the inspection is not permitted within three (3) business days, the Custodian shall explain to the requester in writing when the records will be available for inspection or when NMMI will respond to the request. Excessively burdensome or broad requests where compiling or copying documents may be unduly time consuming or difficult may require more than fifteen (15) calendar days. In such cases, the Custodian shall notify the requester within fifteen (15) calendar days of the need for additional time, the reason for the delay, and the date the records will be available for inspection. If NMMI does not respond to the requester within fifteen (15) calendar days, the request will be deemed to have been denied and the requester may seek judicial remedies under IPRA. For this reason, it is critical that written requests for public records be forwarded to the Custodian immediately as specified in related sections herein.
Cost of Providing Records

As permitted by IPRA, NMMI will normally charge for copying records in accordance with the fee schedule published by the Custodian. If the estimated cost exceeds ten dollars ($10), the Custodian should provide an estimate of the charges and may require advance payment before making copies. If NMMI determines the information primarily benefits the general public, NMMI may waive or reduce the charges. NMMI may require payment of overdue balances before processing additional requests from the same requester.

Denial of Request

If a written request is denied, in whole or in part, the Custodian must deliver or mail to the requester a written explanation no later than fifteen (15) calendar days after the Custodian received the written request. The explanation of denial must describe the records sought, the legal reason for the denial, the names and titles or positions of each person responsible for the denial, and the requester's right to pursue the remedies provided in IPRA. When a request is denied, the requested records must be retained until remedies under IPRA have been exhausted. Before a determination is made to deny a request, the Custodian shall consult with NMMI Counsel to determine whether denial of the request is permissible under IPRA and other NMMI policies.

References and Related Information


Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g


Federal Privacy Act of 1974 (5 U.S.C. Sec. 552a)

Financial Services Modernization Act of 1999, also known as the Gramm-Leach-Bliley Act or GLBA, GLBA Safeguards Rule, 16 CFR Part 314

Public Records Act 14-3-1 et seq., NMSA 1978

6.14 Intellectual Property

In the course of conducting their Institutionally-administered activities, the faculty, staff, and students often create intellectual property that may be protectable by patent, copyright, or other means. NMMI seeks to develop a policy that encourages the treatment of such property
in ways beneficial to the creators of such works, as well as to NMMI and to the public. To these ends, NMMI and the creators should assist each other in identifying, evaluating, protecting, and exploiting such property. Such efforts will also help in recognizing the creation of specific intellectual property as a significant academic achievement.

Accordingly, this Policy seeks to recognize such achievements; to provide advice and assistance to faculty, staff, and students; to promote a clear understanding of legal relationships; and to realize and optimize the benefits of potentially valuable intellectual property to the creators as well as to NMMI. A feature of this Policy is to encourage creators to perform key roles in the utilization of intellectual property.

This Policy governs the ownership, protection, and transfer of Scholarly/Artistic and Technological Works and Information created by NMMI faculty, staff, and students. It is the purpose of this Policy to encourage, support, and reward scientific research and scholarship, and to recognize the rights and interests of creators, NMMI, and the public.

**Scope**

In accordance with the Board of Regents (Regent) Policy, this Policy shall reside as a component of the NMMI Operations and Procedures manual and should be referenced in the Faculty Handbook.

All provisions herein apply to individual efforts of creators and to collaborative efforts with outside entities.

The IP Policy applies to all NMMI faculty, staff, and students.

NMMI’s commitment to teaching is primary, and the right and obligation of creators to disseminate works for scholarly purposes shall take precedence over the commercialization of Scholarly/Artistic and Technological Works and Information.

All inventions, tangible results, and artistic and literary works are subject to this Policy and to federal and state laws and regulations governing intellectual property.

The IP Policy is administered by the President/ Superintendent.

**Definitions**

**Intellectual Property (IP)** - For purposes of this Policy, IP means Scholarly/Artistic Works, Technological Works, or Technical Information.
Technical Information - The term Technical Information means all tangible and intangible research results, including data, graphs, charts, lab notebooks, technical drawings, biogenic materials, and samples.

Creators - Inventors and/or authors to include all NMMI faculty, staff, and students.

Scholarship - Implies the possession of learning characteristic of the advanced scholar in a specialized field of study or investigation; a work of first-rate literary scholarship.

Substantial Directed Investment – Investment of funds, facilities and/or equipment for a particular outcome for which if there had been none, the project would not have been reasonably accomplished.

Commercialization- The entire process of gaining commercial value for intellectual property, from seeking intellectual property protection to licensure of, granting of access to, or sale of said intellectual property.

Scholarly/Artistic Works - This category includes all materials developed by faculty and other personnel directly involved in instruction. Scholarly/ Artistic Works shall include instructional materials, scholarly publications, textbooks, journal articles, course notes, research bulletins, monographs, books, plays, poetry, works of music and art, and non-patentable software, unless they meet the exceptions as listed herein.

Pre-arranged Contractual Obligation – For the purposes of this policy shall mean a contractual obligation established prior to the development of the works and as an agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration.

Sponsored Agreement – For the purposes of this policy shall mean A Sponsored Works Agreement (SWA) is a contract between NMMI and a non-federal sponsor for the purposes of funding and conducting research at NMMI.

Technological Works and Inventions - all inventions, discoveries, and other innovations that are protectable by patents, copyrights, mask works, or other means. Innovations include, for example, computer programs, integrated circuit designs, databases, and other technical creations.

Rights in Scholarly/Artistic and Technological Works and Information

All rights in Scholarly/Artistic Works are owned by the creators, with three exceptions:

Works created by pre-arranged contractual obligation with substantial directed investment of NMMI facilities or funds (exclusive of creators’ salary) or in the performance of a written NMMI work assignment or commission to create such a work.
All rights in such works are owned by NMMI.

Works that capitalize on an affiliation with NMMI by explicit labeling of the work to gain a market advantage, beyond the noting of the creator's affiliation. Such uses of NMMI's name, seal, or logo are regulated by NMMI Regent Policies as well as the NMMI Operations and Procedures Manual (see also Section 2.5). All rights in such works are owned by NMMI.

Works created under a sponsored agreement that requires rights to be relinquished to the sponsor.

Technological Works and Information

All rights in Technological Works and Technical Information created by NMMI creators with the use of NMMI facilities or funds administered by NMMI are owned by NMMI, with income from commercialization of Technological Works distributed in accordance with this Policy.

All rights in Technological Works and Technical Information created by creators without the use of NMMI facilities (with the exception of the NMMI library) or funds administered by NMMI, but that fall within the creators' scope of employment at NMMI are owned by NMMI. However, NMMI ordinarily will assert no ownership rights or interests in the following two instances:

- Technological Works and Technical Information created pursuant to outside employment under a consulting agreement between a faculty member and an outside entity in which Technological Works and Technical Information are assigned to said entity. The consulting agreement must be consistent with NMMI policies, including conflict of interest policies, and must be disclosed in writing and agreed to by the creators' Dean or department director in advance of execution of the consulting agreement. (Contracts in existence at the time of adoption of this Policy must be disclosed within sixty (60) calendar days.)

- Technological Works and Technical Information created pursuant to independent research or other outside activity that is consistent with NMMI policies, including conflict of interest policies, and that was disclosed in writing and agreed to by the creators' Chair and Dean or Unit Director at the beginning phase of this research activity.

For purposes of this Policy, factors considered in determining the scope of a creator's employment normally shall include the relationship of the Technological Works and Technical Information to that creator's recent teaching, research, and other NMMI activities, as well as activities stipulated in any appointment contract.

Disagreements concerning ownership can be appealed as described below in Article 5.
Use of NMIMI Name, Logos, or Trademarks

Commercial use of NMIMI's name, seal, logos, or trademarks requires prior written approval from the Office of the Chief of Staff. (Ref. BOR Policy 11.3 Use of NMIMI’s Name / Symbols)

Costs, Royalties, and Other Commercialization Income

In the case of collaborations between NMIMI and outside entities, the provisions herein are applicable only to the ownership interests of NMIMI.

NMIMI shall bear the costs they have elected to incur in securing protection for intellectual property (including evaluation, prior art searches, preparation, filing, and prosecution of any patent application, and issuance and maintenance of patents issuing therefrom) and commercializing said property, until said property is licensed, assigned, or otherwise commercialized.

Prior to distribution of royalties (which, for purposes of this policy, are deemed to mean all income received by NMIMI for a license of NMIMI IP, but does not include payments for research, development, or reimbursement of patent costs), NMIMI shall be reimbursed for all unreimbursed or non-contractually reimbursable costs incurred in securing intellectual property protection and any litigation costs.

Royalties received by NMIMI from commercialization of NMIMI IP by NMIMI shall be divided as follows:

- Forty percent (40%) to be divided equally (unless otherwise unanimously agreed to and represented on the submitted invention disclosure form) among the creators;
- Sixty percent (60%) to NMIMI to be invested and administered by the Chief Financial Officer (CFO), generally, in amounts consistent with the source(s) of the NMIMI IP. Accrued revenues will be used, to support NMIMI units involved in ongoing research and educational pursuits relevant to commercialization efforts or will otherwise be administered as required by sponsor(s).

In any case where royalties shall be represented by shares of stock or other intangible assets, these assets shall be held in the name of NMIMI or NMIMI and managed by them. At the discretion of the managing unit (NMIMI or NMIMI), such stock or other intangible assets may be divided prior to liquidation and distributed in the proportions specified herein.

Administration of the Intellectual Property Policy

President/Superintendent of NMIMI
The President/ Superintendent, or designee, shall be responsible for the interpretation, implementation, and enforcement of this Policy. The President/ Superintendent shall be responsible for NMIMI relations in areas where this Policy affects NMIMI community, governmental authorities, private research sponsors, industry, and the public.

**Office of the Chief of Staff (COS)**

The COS shall provide legal advice, via consultation with legal counsel, to NMIMI on issues related to NMIMI IP.

The COS is authorized with the prior approval of the President/ Superintendent, to promulgate and publish information and procedures to implement this policy.

**Review of Disclosures and Commercialization**

NMIMI shall expedite processing of reviews of disclosures and commercialization decisions.

**Review of Disclosures**

The specific implementation of the items under Article 4 will be determined under written regulations agreed upon by NMIMI.

NMIMI may require consultation with creators prior to publishing for a reasonable period not to exceed ninety (90) calendar days from the date of disclosure, in order to enable a sponsor or NMIMI to evaluate a NMIMI IP and determine whether to pursue any form of intellectual property protection. In some cases, NMIMI may require creators to refrain from publishing certain materials within the said 90-day period. NMIMI shall endeavor to accelerate commercialization review to enable creators to publish their work in theses and dissertations or to pursue patent protection in cases of statutory bars.

When the COS has accepted an appropriately completed disclosure as specified herein, the COS shall forward a copy to the creator within one (1) week. The creators may submit disclosures directly to COS within one (1) week of receipt.

NMIMI shall make a written determination as to whether or not commercialization is to be pursued within 120 calendar days from the date of disclosure of the IP.

- If NMIMI determines to pursue commercialization, it will make a decision about intellectual property protection within the 120 days from the date of disclosure delineated above.
- NMIMI may find the work described in the disclosure to be of significant interest, but insufficiently developed or documented for commercialization. In that case, NMIMI may recommend that the disclosure be returned to the creator(s), with suggestions for
further development or requests for additional documentation. The creator(s) may then submit a new disclosure on the more fully developed or documented work.

- In certain cases, NMMI may determine that a disclosure should be held in abeyance because further similar inventions are anticipated within nine (9) months. In such cases, NMMI may delay processing the disclosure for up to nine (9) months, or even longer with the consent of the creator(s).

If no determination is made by NMMI within the deadline, the creator(s) shall have the option of extending the deadline or of sending a written letter to NMMI requesting a determination within ten (10) NMMI business days. If NMMI does not respond within this period or responds that it will not pursue commercialization NMMI shall release the intellectual property to the creator pursuant herein.

If, at any step during the process, both NMMI and NMMI determine not to pursue the commercialization of a particular NMMI IP, NMMI shall release the intellectual property to the creator, subject to sponsor approval.

If NMMI shall have expended funds for prior art search and patent prosecution, reimbursement shall be in the manner described herein.

**Reporting**

Reporting Within twelve (12) months of a complete disclosure, and at 18 months and 24 months, respectively thereafter, NMMI shall provide to NMMI and to each creator whose disclosure is in the hands of NMMI a report detailing the current state of commercialization of the disclosure, including patenting, marketing, and licensing efforts. Any NMMI creator may request and obtain from NMMI access to NMMI’s current activity related to the disclosures for which he or she is the creator or co-creator.

**Commercialization**

In the event NMMI has not made a reasonable effort to commercialize the NMMI IP within two (2) years of its decision to commercialize, NMMI or the creator(s) may request NMMI to return the NMMI IP to NMMI. If the NMMI IP is returned to NMMI, NMMI and the creator(s) will attempt to commercialize the NMMI IP within a mutually agreeable period; if these efforts are unsuccessful, the creator(s) may require that the NMMI IP be released to them, subject to sponsor approval.

**Filing Deadlines**

At least 90 calendar days in advance, NMMI shall advise NMMI and the creator(s) of Technological Works of the following three deadlines:

- A statutory bar to filing a U. S. patent application or provisional application;
• Initiation of filing for foreign patent rights under the Patent Cooperation Treaty (PCT); and
• Entry into national status under the PCT. Any exceptions in meeting the 90-day deadline shall be promptly communicated by NMMI to COS and the creators.

In the event NMMI does not intend to continue commercialization efforts and does not commit itself to meeting the above deadlines, NMMI shall release the intellectual property rights to the creator(s), subject to sponsor approval, within 30 days of NMMI's notification to NMMI.

**Appeal of NMMI Ownership**

In the event a creator does not believe NMMI is entitled to the rights in a Work, the creator may seek a determination or a waiver of NMMI's interests in said Work. The COS will provide the creator with a Determination of Rights Form which must then be completed and returned to the COS, with all documents supporting the creator's claim. The COS will forward a copy of the Form and supporting documentation to the President/Superintendent for comments.

The COS shall forward the Determination of Rights Form with attachments and the COS's and written comments (the "Record") to the President/Superintendent, who will form a three person advisory committee in consultation with the President of the Faculty Senate, or his/her designee. At least two advisory committee members shall be tenured faculty. One of the tenured faculty members shall chair the committee. Committee members should be selected on the basis of relevant research background and experience. The creator shall be notified of the proposed committee membership and may object in writing to any of the proposed appointees on the grounds that the person, or the committee as a whole, does not meet the criteria stated above. The President/Superintendent, as appropriate, in consultation with the President of the Faculty Senate, or his/her designee will determine whether the objection has merit, and, if so, will make appropriate substitution(s). In the case of disagreement regarding appointments, the President/Superintendent will make a final decision on the matter.

The advisory committee will endeavor to review the Record and hear all evidence within thirty (30) calendar days of receipt of the Record and will issue a written recommendation to the President/Superintendent, within thirty (30) calendar days of hearing the last evidence. The committee will keep written minutes of all its meetings.

The President/Superintendent will issue his/her ownership determination within thirty (30) calendar days of receiving the advisory committee's recommendation.

Participation in an appeal of ownership as described herein does not prevent the creator from pursuing other remedies.
The creator may appeal the ownership determination by written request to the President/Superintendent within ten (10) NMMI business days of receiving notice of the ownership determination. The President/Superintendent will meet with all interested persons. Within sixty (60) calendar days of receiving the creator's written request, the President/Superintendent will make a final decision.

If the dispute involves rights in Works being claimed by faculty, staff or student, only the President shall have authority to review the ownership determination and make a final decision.

If the dispute involves rights in Works being claimed by the President, only a designee of the Board of Regents shall have authority to review the ownership determination and make a final decision.

Nothing in this section is in derogation of the Regents' discretionary right of review.

All materials produced by the creator and NMMI under this section shall be retained as a permanent NMMI record. This record shall be made available by the COS to any party upon consent of the owners of the intellectual property.

**Determination of Inventorship or Authorship among Creators**

In the event individuals believe they are creators of NMMI IP, and have not been adequately acknowledged as such at any point in the protection and commercialization process, they may petition NMMI to assess their claim. The COS will provide the petitioners with a Determination of Inventorship/Authorship Form which must be completed and returned with any relevant attachments for review. NMMI will seek the opinion of outside patent counsel for determination. Any further inventorship or authorship dispute among creators shall fall outside the scope of this policy.

**Related Provisions**

**Flexibility**

NMMI may accept, on terms beneficial to NMMI, a voluntary assignment of a Scholarly/Artistic or Technological Work. It may waive, assign or grant all or part of its rights in any Scholarly/Artistic or Technological Work under terms and conditions deemed appropriate and beneficial for NMMI.

**Legal Actions**

NMMI may take such action as it deems appropriate to defend or enforce any patent, copyright, or other intellectual property right. In the case of claims against NMMI, settlement of a claim or conduct of litigation shall be within the exclusive control of NMMI.
6.15 Equal Opportunity, Non-Discrimination, and Affirmative Action

NMMI is committed to creating and maintaining a community in which Cadets and employees can learn and work together in an atmosphere that enhances productivity and draws on the diversity of its members, and is free from all forms of disrespectful conduct, intimidation, exploitation, and harassment. The purpose of this policy is to guide NMMI officials to take whatever action may be needed to prevent, correct, and, when necessary, to discipline behavior which violates this policy. In fulfilling its dual tasks of educating and providing public service, NMMI can, and shall, demonstrate leadership in eliminating discrimination and providing equal opportunities in employment and education.

NMMI, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action, including Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; New Mexico Religious Freedom Restoration Act, Sections 28-22-1 to 28-22-5; NMSA 1978; and the New Mexico Human Rights Act, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14, NMSA 1978.

Differential Treatment and Harassment Prohibited

NMMI strives to assure equal treatment and access to all programs, facilities, and services. In keeping with this policy of equal opportunity, NMMI is committed to creating and maintaining an atmosphere free from all forms of discrimination and harassment. There are two typical types of discrimination: differential treatment, and harassment that creates a hostile environment.

Differential Treatment

Differential treatment occurs when people, whether an individual or a group, are treated differently because of their race, color, religion, national origin, ancestry, physical or mental disability, pregnancy, age, sex (including sexual harassment), sexual preference, gender identity, spousal affiliation, veteran status, genetic information, or any other characteristic protected under applicable law. NMMI expects all members of NMMI community, as well as its visitors, to be treated equally, based on merit and other appropriate factors, in all aspects of its educational programs and activities, and in all aspects of employment.

Listed below are examples of conduct that can constitute discrimination based on differential treatment as described above. This list is not all-inclusive; in addition, each
situation must be evaluated in light of the specific facts and circumstances to determine if discrimination has occurred.

- Singling out or targeting persons for different or adverse treatment (e.g., more severe discipline or grade, lower salary increase, negative performance evaluation) because of their protected characteristics
- Failing or refusing to hire or admit persons because of their protected characteristics
- Terminating persons from employment or an educational program based on their protected characteristics
- Denying raises, benefits, promotions, or leadership opportunities on the basis of a persons’ protected characteristics
- Preventing persons from using NMMI facilities or services because of their protected characteristics
- Denying persons access to educational programs based on their protected characteristics
- Failing to provide reasonable accommodations for qualified individuals with disabilities or for religious holidays or observances

**Harassment**

NMMI prohibits harassing behavior on its campuses and by any person while engaged in NMMI business, whether on or off campus. Harassment is a form of discrimination. It is defined as unwelcome verbal or physical behavior, which is directed at persons because of their race, color, religion, national origin, ancestry, physical or mental disability, pregnancy, age, sex, sexual preference, gender identity, spousal affiliation, veteran status, genetic information, or other characteristic protected by applicable law, when these behaviors are sufficiently severe or pervasive to have the effect of unreasonably interfering with their educational experience, working conditions, or Cadet housing by creating an intimidating, hostile, or offensive environment.

In some cases, a single incident may be so severe as to create a hostile environment. Such incidents may include injury to persons, or property, or conduct threatening injury to persons or property. In other instances, the behavior at issue is harassing, but not sufficiently severe, persistent, or pervasive as to constitute a hostile work or learning environment. In such cases, NMMI generally takes action to stop the offending behavior in an effort to promote a respectful environment and avoid the possibility that a hostile environment will develop.

Listed below are examples of behavior that can constitute such harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if harassment has occurred.
• Unwelcome jokes or comments about a protected characteristic (e.g., racial or ethnic jokes)
• Disparaging remarks to a person about a protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments)
• Displaying negative or offensive posters or pictures about a protected characteristic
• Electronic communications, such as e-mail, text messaging, and Internet use, that violate this policy

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other educational programs and activities. This policy is intended to protect Cadets and employees from discrimination, not to regulate the content of speech.

Reasonable Accommodations

NMMI makes reasonable accommodations for Cadets, employees, or prospective employees in accordance with federal and state regulations. Assessing and determining appropriate and effective reasonable accommodations must be done on a case by case basis. Failure to accommodate can constitute discrimination in some instances. Anyone seeking information on reasonable accommodations may also contact NMMI’s Office of Equal Opportunity (NMMI’S HUMAN RESOURCES DEPARTMENT).

Reasonable Accommodations for Religious Observances and Practices

NMMI makes reasonable accommodations for the religious observances and practices of Cadets, employees, and prospective employees. These accommodations are made for Cadets unless such accommodations have the end result of altering educational requirements of a course or program, excessively burdening faculty, or placing an undue hardship on the operations of NMMI. These accommodations are made for staff unless such accommodations have the end result of disrupting the efficiency or effectiveness of the workplace, fundamentally altering the essential functions of a job, or placing an undue hardship on NMMI. Failure to accommodate religious observances and practices can constitute discrimination on the basis of religion in some instances and each case will be evaluated in light of the totality of the circumstances.

Reasonable Accommodations for Individuals with Disabilities

NMMI makes reasonable accommodations for the physical and mental disabilities of a Cadet unless an accommodation has the end result of fundamentally altering the nature of the course or program, excessively burdens faculty, or places an undue hardship on
the operation of NMMI. NMMI makes reasonable accommodations for the physical or mental disabilities of an employee or prospective employee unless such accommodations have the end result of fundamentally altering the essential functions of a job or place an undue hardship on the operation of NMMI.

Failure to accommodate can constitute discrimination on the basis of disability in some instances. Employees should refer to the NMMI HR manual for guidance on requesting accommodations and initiating an interactive dialogue with their immediate supervisor or manager.

**Reporting Procedures**

It is the policy of NMMI to prevent and eliminate forms of unlawful harassment in employment and educational settings. NMMI prohibits harassment on the basis of race, color, religion, national origin, ancestry, physical or mental disability, pregnancy, age, sex (including sexual harassment), sexual preference, gender identity, spousal affiliation, veteran status, genetic information, or any other characteristic protected under applicable law. Persons who believe they have been discriminated against on the basis of a protected status are encouraged to contact:

- Tier 1 Staff
- Commandant or staff
- Human Resources
- their supervisors or managers
- director, chair, or dean of a department, or team coach
- counselor

NMMI encourages persons who believe that they have experienced or witnessed discrimination or harassment as prohibited by this policy to come forward promptly with their inquiries, reports, or complaints and to seek assistance within NMMI. Individuals also have the right to pursue a legal remedy for discrimination or harassment that is prohibited by law, in addition to or instead of proceeding under this policy.

NMMI will handle discrimination complaints under this policy to ensure prompt and equitable resolution of such complaints. The matter may proceed to a formal investigation or other forms of effective and fair review.

Discrimination Claim Procedures are in place for addressing allegations of discriminatory treatment of employees or Cadets. Possible outcomes of an investigation are (1) a finding that the allegations are not warranted or could not be substantiated; (2) a finding that the allegations are substantiated and constitute discrimination or
inappropriate behavior; and, if so, (3) referral to the appropriate administrative authority for corrective action.

**Reporting Responsibility**

When NMMI faculty, staff, administrators, and supervisors witness or receive a written or oral report or complaint of discrimination or harassment, they are required to engage in appropriate measures to prevent violations of this policy and promptly notify Human Resources (HR), including notification of any actions taken to achieve informal resolution of the complaint. NMMI relies on its employees to notify NMMI’s HR office of all disclosures of discrimination and harassment as defined in this policy.

Further, if supervisors fail to take action when they know, or reasonably should have known, that a Cadet or subordinate employee is being subjected to discrimination, supervisors could be held in violation of this policy. NMMI encourages reporting of all known or suspected discriminatory conduct.

This section of the policy does not obligate persons who are required by professional or NMMI responsibilities to keep certain communications confidential (e.g., licensed healthcare professional) to report confidential communications received while performing those NMMI responsibilities.

**Confidentiality**

NMMI recognizes that individuals have a right to privacy; however, NMMI also has an obligation to address concerns and inquiries, as well as to investigate and resolve civil rights claims. Therefore, NMMI cannot guarantee anonymity to persons raising concerns. NMMI may not be able to fully address allegations received from anonymous sources or those requesting anonymity, unless sufficient information is furnished to enable NMMI to conduct a meaningful and fair investigation. All complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process. Information will only be shared among NMMI employees or external parties on a need-to-know basis and as permitted under NMMI policy and applicable federal and state law.

All participants involved with an internal discrimination or harassment investigation have a strict duty to keep investigation information confidential. Any attempt by any participant to influence the outcome of an investigation by divulging information to others (who have no legitimate “need to know”) may be grounds for disciplinary action.

Persons may request anonymity when reporting discrimination, and NMMI will evaluate the anonymity request in the context of NMMI’s responsibility to provide a safe and nondiscriminatory work and learning environment. Anonymous claims may limit a
person’s protection from retaliation and NMMI’s ability to conduct a full investigation. While not routinely done, NMMI reserves the right to disclose a person’s identity when absolutely necessary to fulfill its obligations under anti-discrimination laws and regulations or when legally required to do so.

**Retaliation**

It is the policy of NMMI to foster an environment where faculty, staff, and Cadets may raise civil rights claims without fear of retaliation or reprisal. All members of NMMI community have a right to redress for perceived violations of this policy. It is contrary to federal and state civil rights laws, and to NMMI policy, to retaliate against any person for asserting their civil rights, which includes raising concerns related to civil rights, reporting to any NMMI office charged with addressing such complaints, filing a claim of discrimination or harassment, or participating as a witness in an investigation related to an allegation of discrimination or harassment.

Allegations of retaliation may be reported to HR, Tier 1, chairs, deans, directors, and supervisors. Retaliation is grounds for a subsequent complaint and may result in disciplinary action against the persons committing the retaliatory acts.

**Providing False Information**

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual’s own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation.

Notwithstanding this provision, NMMI may discipline employees or Cadets when it is determined that they brought an accusation of discrimination or harassment in bad faith or with reckless disregard of the truth or falsity of the claim. Additionally, anyone participating in an investigation who intentionally misdirects an investigation, whether by falsehood or omission, will be subject to disciplinary action.

**Affirmative Action**

NMMI recognizes its responsibility to extend equal employment and educational opportunities to all qualified individuals. NMMI has a responsibility to its Cadets and to the citizens of the state to actively recruit, hire, and retain the best-qualified persons possible, and to do so in the context of our commitment to affirmative action principles.
Further, NMMI commits itself to a program of affirmative action to increase access by, and participation of, traditionally underrepresented groups. NMMI’s Human Resources (HR) provides guidance and assistance to NMMI leadership in identifying effective recruitment and retention strategies to meet its affirmative action responsibilities. This includes monitoring or auditing all employment activity for staff and faculty at NMMI.

Responsibility for Affirmative Action Plan

NMMI President has overall responsibility for the Affirmative Action Plan. All senior and mid-level administrators (Tier 1, deans, directors, department heads) are accountable for their performance in the accomplishment of affirmative action goals and objectives.

The Director of HR has been designated as the Affirmative Action Coordinator. This official is responsible for monitoring or auditing all of NMMI’s equal employment opportunity and affirmative action activities, reporting annually on the effectiveness of NMMI’s affirmative action programs, and developing recommendations for necessary action to assure attainment of NMMI’s stated objectives. Any questions related to the Affirmative Action Plan should be directed to HR.

6.16 Sexual Misconduct, Harassment, and Violence

NMMI is committed to creating and maintaining a community in which Cadets and employees can learn and work together in an atmosphere that enhances productivity and draws on the diversity of its members and is free from all forms of disrespectful conduct, harassment, exploitation, or intimidation, including sexual harassment and sex-based discrimination. The purpose of this policy is to guide NMMI officials to take whatever action may be needed to prevent, correct, and, when necessary, to discipline behavior which violates this policy. In fulfilling the dual tasks of educating and providing public service, NMMI can, and shall, demonstrate leadership in eliminating sexual harassment and preventing its recurrence. Sexual harassment subverts the mission of NMMI and threatens the careers of Cadets and employees. It is a violation of Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; and the New Mexico Human Rights Act, NMSA 1978, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14.

Definition

Sexual harassment, a form of sex discrimination, is defined as unwelcome conduct of a sexual nature. There are two typical types of sexual harassment: quid pro quo and hostile environment. Conduct of a sexual nature becomes a violation of this policy when:
• submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement (quid pro quo);

• submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual (quid pro quo); or

• such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment (hostile environment).

While sexual harassment often takes place in a situation of power differential between the persons involved, this policy recognizes that sexual harassment also may occur between persons of the same NMMI status: Cadet-Cadet, faculty-faculty, and staff-staff, or between peers. Additionally, the prohibition against sexual harassment applies regardless of the genders of the parties. Sometimes harassers target a person who has authority over them. Harassers can also be persons who are not members of NMMI community, such as contractors or visitors. Regardless of the source, NMMI does not tolerate this kind of behavior and NMMI is committed to maintaining an environment free from sexual harassment.

Sexual harassment is especially serious when it threatens relationships between Cadets and teachers, or relationships between supervisors and their subordinates. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a Cadet's or employee's success and future career at NMMI and beyond.

Other Violations

NMMI also disapproves of conduct of a sexual nature which does not rise to the level of the above definition of sexual harassment but which has a detrimental, although limited, impact on the work or academic environment. NMMI strongly encourages all persons witnessing or experiencing such conduct to report it (see Section 3) so that NMMI can take appropriate action. Such conduct may include isolated sexual remarks, sexist comments, gestures, or inappropriate physical behavior of a sexual nature. This could warrant remedial action in order to prevent such behavior from becoming unlawful harassment.

Examples of Sexual Harassment

Listed below are examples of behavior that can constitute sexual harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if harassment has occurred.

• Suggestive or obscene letters, notes, invitations
• Electronic communications, such as e-mail, text messaging, and Internet use, that are sexual in nature
• Unwelcome sexual jokes or comments (including favorable comments about someone’s gender, body, or appearance)
• Impeding or blocking movements, touching, or any physical interference or stalking
• Sexually oriented gestures; or displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters
• Threats or insinuations that refusal to provide sexual favors will result in reprisals; withholding support for appointments, recommendations, promotions, or transfers; or change of assignments or poor performance reviews or grades
• Sexual or gender-based violence, including, but not limited to, rape, sexual assault, sexual battery, and sexual coercion

In determining whether the alleged conduct constitutes sexual harassment, the totality of the circumstances will be considered, including the frequency of the discriminatory conduct; its severity; and whether it is physically threatening, humiliating, or pervasive to the environment. When NMMI determines that a hostile environment exists, it takes action to stop the harassment and ensure it does not happen again.

In some cases, a single incident (such as sexual assault) may be so severe as to create a hostile environment. Such incidents may include injury to persons or property, or conduct threatening injury to persons or property. In other cases, the conduct at issue is offensive, but not sufficiently severe, persistent, or pervasive as to constitute a hostile work or learning environment. In such cases, NMMI generally takes action to stop the offending behavior in an effort to promote a respectful environment and avoid the possibility that a hostile environment will develop.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other education programs and activities. This policy is intended to protect Cadets and employees from discrimination, not to regulate the content of speech.

**Interim Measures**

NMMI may also implement interim measures or interventions, as appropriate to the allegations and if the allegations warrant, to protect the community and Cadets involved, pending the culmination of any review, investigation, or appeal process. If the review, investigation or appeal process determines that there is no cause to believe this policy has been violated, these interim measures may be revoked.
Reporting Procedures

Persons who believe they may have experienced sexual harassment may report the incidents to any of the following:

- Tier 1 – Academic Dean, Commandant, Chief of Staff, Chief Financial Officer, Athletic Director
- Human Resources (HR)
- their supervisor or manager
- director, chair, or dean of a department, school, or college

NMMI can take corrective action only when it becomes aware of problems. Therefore, NMMI encourages persons who believe that they have experienced or witnessed discrimination or harassment as prohibited by this policy to come forward promptly with their inquiries, reports, or complaints and to seek assistance within NMMI. Individuals also have the right to pursue a legal remedy for discrimination or harassment that is prohibited by law, in addition to or instead of proceeding under this policy.

NMMI will handle discrimination and harassment complaints under this policy consistent with procedural guidelines developed to ensure prompt and equitable resolution of such complaints. The matter will then proceed to investigation or other form of effective and fair review. The investigation or review may be performed by HR, or jointly with another office, as determined by HR.

Possible outcomes of an investigation are (1) a finding that the allegations are not warranted or could not be substantiated, (2) a finding that the allegations are substantiated and constitute discrimination or inappropriate behavior and, if so, (3) referral to the appropriate administrative authority for corrective action.

Reporting Responsibility

NMMI faculty, administrators, and supervisors who witness or receive a written or oral report or complaint of sex discrimination, sexual harassment, or sexual violence are required to engage in appropriate measures to prevent violations of this policy and promptly notify HR, including notification of any actions taken to achieve informal resolution of the complaint. NMMI relies on its employees to notify the NMMI’s Title IX Coordinator(s) of all disclosures of sex discrimination, sexual harassment, and sexual violence against Cadets.

Further, if a supervisor fails to take action when he or she knows, or reasonably should have known, that a Cadet or a subordinate employee is being subjected to sexual
harassment, that supervisor could be held in violation of this policy. NMMI encourages reporting of all known or suspected unwelcome conduct of a sexual nature.

This section of the policy does not obligate an individual who is required by professional or NMMI responsibilities to keep certain communications confidential (e.g., licensed healthcare professional) to report confidential communications received while performing those NMMI responsibilities.

**Reporting Sexual Violence**

In addition to violating Title IX and NMMI policy, some forms of sexual harassment may constitute criminal activity. NMMI encourages individuals who have experienced unwelcome sexual behavior that involves sexual violence or threatening behavior to contact the NMMI Police Department (575-624-8421) or local law enforcement agencies (911), as soon as possible after the offense occurs in order to preserve evidence necessary for the proof of criminal offenses. The NMMI Police Department is available to assist victims in filing reports with other area law enforcement agencies. Persons who experience sexual violence may participate concurrently in a criminal process and NMMI process to seek redress.

**Confidentiality**

NMMI recognizes that individuals have a right to privacy; however, NMMI also has an obligation to address concerns and inquiries, as well as to investigate and resolve civil rights claims. Therefore, NMMI cannot guarantee anonymity to persons raising concerns. NMMI may not be able to fully address allegations received from anonymous sources or those requesting anonymity, unless sufficient information is furnished to enable NMMI to conduct a meaningful and fair investigation. All complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process. Information will only be shared among NMMI employees or external parties on a need-to-know basis and as permitted under NMMI policy and applicable federal and state law.

All participants involved with an internal discrimination or harassment investigation have a strict duty to keep investigation information confidential. Any attempt by any participant to influence the outcome of an investigation by divulging information to others (who have no legitimate “need to know”) is grounds for disciplinary action.

Persons may request anonymity when reporting sexual harassment. NMMI personnel involved in the case shall evaluate the anonymity request in the context of NMMI’s responsibility to provide a safe and nondiscriminatory work and learning environment. NMMI’S personnel involved in the case shall strive to abide by a complainant's request for anonymity. However, when complainants continue to insist
that their identity not be disclosed to the named respondent or alleged harasser, the complainant will be advised that an in-depth investigation might not be possible, depending on the circumstances presented in the claim. While not routinely done, NMMI personnel involved in the case reserve the right to disclose a person’s identity when absolutely necessary to fulfill NMMI’s obligations under anti-discrimination laws and regulations or when legally required to do so.

Retaliation

It is the policy of NMMI to foster an environment where faculty, staff, and Cadets may raise civil rights claims without fear of retaliation or reprisal. All members of NMMI community have a right to redress for perceived violations of this policy. It is contrary to federal and state civil rights laws, and to NMMI policy, to retaliate against any persons for asserting their civil rights, which includes raising concerns related to civil rights, reporting to any of the offices listed above (Section 3), filing a claim of discrimination or harassment, or participating as a witness in an investigation related to an allegation of discrimination or harassment.

Cadets and employees who believe that retaliation was threatened, attempted, or occurred due to their testifying, assisting, or participating in an investigation related to an allegation of discrimination and or harassment should report the retaliation to any of the offices listed above (section 3). An employee or Cadet who retaliates against a person for raising or filing a discrimination or harassment complaint or for seeking assistance from NMMI personnel may be subject to disciplinary action.

Providing False Information

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual’s own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation.

Notwithstanding this provision, NMMI may discipline employees or Cadets when it has been determined that they brought an accusation of discrimination or harassment in bad faith or with reckless disregard of the truth or falsity of the claim. Additionally, anyone participating in an investigation who intentionally misdirects an investigation, whether by falsehood or omission, may be subject to disciplinary action.
Sexual Violence and Sexual Misconduct

Title IX of the Education Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex (including gender, sex stereotyping, and gender identity) in federally funded education programs and activities. Sexual harassment, which includes acts of sexual violence and sexual misconduct, is a form of sex discrimination prohibited by Title IX. This policy on Sexual Violence and Sexual Misconduct applies to any allegation of sexual violence or misconduct made by or against a Cadet, or a NMMI staff or faculty member, regardless of where the alleged sexual violence or misconduct occurred. If the circumstances giving rise to the complaint are related to NMMI’s programs or activities, this policy may apply regardless of the affiliation of the parties.

Sexual violence and misconduct may be committed by anyone, including a stranger, an acquaintance, a friend, or someone with whom the victim is involved in an intimate or sexual relationship. Individuals who have experienced sexual violence or misconduct are encouraged to report what happened to law enforcement and to seek assistance from any of the Campus Resource Offices or community resources listed in Section 9 of this policy. A report of sexual violence or misconduct will be taken seriously and addressed in accordance with NMMI policies and procedures. NMMI’s Title IX Coordinator is the COL Judy Scharmer of the Human Resource Office and LTC Gregg Lamb of the Commandant’s Office, who oversees institutional compliance with Title IX.

This policy includes information for Cadets, staff, and faculty on resources available following an act of sexual violence or misconduct, NMMI responses, education, and prevention programs and possible disciplinary sanctions.

Reporting Sexual Violence

NMMI urges any individual who has experienced sexual violence or misconduct, or has knowledge about an incident of sexual violence or misconduct, to make an official report. In order for NMMI to respond effectively to individuals who have experienced sexual violence or misconduct, all NMMI staff and faculty who receive information about a person who has experienced sexual violence or misconduct must report the information to NMMI personnel within 24 hours, or as soon as reasonably practicable, by calling or by email. See section below for more details, including how you can retain your anonymity when you report.
Definition of Sexual Violence and Sexual Misconduct

Sexual violence refers to physical sexual acts perpetrated with force or coercion against a person’s will; or where a person has not given consent as defined in this policy or is unable to consent due to his or her use of alcohol or drugs, or disability, or age. Sexual violence is a crime.

Sexual misconduct incorporates a range of behaviors, including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Prohibited actions include, but are not limited to:

- Rape/sexual assault: non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.

- Non-consensual oral sex: non-consensual contact between one person’s mouth and the genitals or anus of another person.

- Sexual contact/battery: non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.

- Sexual exploitation: taking sexual advantage of another person without consent, including, without limitation, indecent exposure; voyeurism; non-consensual recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; and/or allowing third parties to observe private sexual acts.

- Domestic violence: under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery, and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child, or person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order of protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.
• Domestic abuse: under the Family Violence Protection Act, “domestic abuse” is defined as “an incident of stalking or sexual assault whether committed by a household member or not” resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear or bodily injury by any household member, criminal trespass, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, harassment, or harm or threatened harm to children. Under the Family Violence Protection Act, “household members” include a spouse, former spouse, parent, present or former stepparent, present or former parent in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. Violation of any provision of an order of protection issued under the Family Violence Protection Act is a misdemeanor crime and constitutes contempt of court and may result in a fine or imprisonment or both.

• Dating violence: under New Mexico’s Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

• Stalking: under New Mexico law, “stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

• Sexual harassment: sexual harassment, a form of sex discrimination, is defined as unwelcome conduct of a sexual nature. There are two typical types of sexual harassment: quid pro quo and hostile environment. NMMI prohibits all forms of “Sexual Harassment” including sexual violence and sexual misconduct.

For complete definitions of the crimes of sexual assault, domestic violence, dating violence, and stalking under New Mexico law, see “New Mexico Definitions of Violence Against Women Act Crimes” in this policy.
Jurisdiction

NMMI personnel, other than the NMMI police, are not a law enforcement agency. As such, while NMMI personnel may be charged with investigating allegations of sexual violence and misconduct as provided in this policy, NMMI non-police personnel involved in the case do not enforce criminal statutes. Enforcement of criminal statutes is the sole jurisdiction of law enforcement agencies. Similarly, while it generally has jurisdiction to administratively investigate claims of sexual violence, depending on the allegations made, NMMI personnel involved in the case may not have jurisdiction to investigate alleged sexual misconduct. The information received from an individual will be reviewed and a determination will be made as to whether NMMI personnel has jurisdiction over the concerns.

Definition of Consent

Consent is an affirmative, informed, and conscious decision to willingly engage in mutually acceptable 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.

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. It is the responsibility of the person initiating the sexual activity to obtain consent from his or her partner. Being intoxicated or under the influence of other drugs does not diminish one’s responsibility to obtain consent.

The use of alcohol or drugs can limit or prevent a person’s ability to freely and clearly give consent. If a person is under the influence of alcohol or drugs such that he or she is unable to give meaningful consent or does not understand the fact, nature or extent of the sexual situation, there is no consent. Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. NMMI personnel shall examine the record for other behavior like 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 or place; 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 respondent knew or should have known that the complainant was incapable of giving meaningful consent to sexual activity due to intoxication. If the person initiating the sexual activity is also under the influence of alcohol or drugs, that does not diminish his or her responsibility to obtain consent, and is not a defense to charges of violation of this policy. Because it may be difficult to discern whether a sexual partner is incapacitated, it is better to err on the side of caution and assume that your partner is incapacitated and unable to give consent to the sexual activity.

In addition to alcohol or drugs, if a person’s mental, physical, or psychological disability (temporary or permanent) or age impairs his or her ability to make an informed decision to willingly engage in sexual activity, there is no consent. Examples include, but are not limited to, when an individual is incapacitated, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, threatened, isolated, or confined.

**Amnesty from Disciplinary Action for Cadets**

NMMI’s primary concern is the safety of Cadets, staff, and faculty. While staff and faculty must report incidents of Cadets experiencing sexual violence or misconduct, except as noted herein, NMMI strongly encourages all members of the campus community to report instances of sexual violence or misconduct. NMMI grants amnesty to Cadets who may have violated the Cadet Blue Book’s prohibition on the use or possession of alcohol or drugs at the same time he or she experienced sexual violence or misconduct. Therefore, no drug or alcohol-related charges under the Cadet Code of Conduct are applied to Cadets who report that they were using drugs or alcohol at the time they experienced sexual violence or misconduct. Depending on the circumstances, the Commandant Office may determine, on a case-by-case basis, that those who witnessed an instance of sexual violence or misconduct and who provide information regarding such instance may be granted the same amnesty. However, Cadets should understand that any violation of state or federal criminal law involving the use or possession of alcohol or illegal drugs may result in prosecution, and NMMI cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecution are made by the District Attorney’s Office in the state criminal justice system and by the U.S. Attorney’s Office in the federal criminal justice system.

**Off-Campus Conduct**

Conduct that occurs off-campus can be the subject of a complaint or report and will be evaluated to determine whether it implicates this policy or the Cadet Blue Book. If off-campus sexual violence has continuing effects that create a hostile environment on campus for an individual who has experienced sexual violence or misconduct, NMMI
may take interim measures and depending on the circumstances, will investigate the conduct.

**Retaliation**

It is a violation of Title IX and NMMI policy to retaliate against any person who makes a complaint of sexual violence or misconduct or testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual violence or misconduct. Concerns that a Cadet, staff, or faculty member has threatened to retaliate or has retaliated against another Cadet, staff, or faculty member should be reported promptly to the Office of Equal Opportunity. A staff, faculty member, or Cadet who retaliates against a person who makes a complaint of sexual violence or misconduct, testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual violence or misconduct, or seeks assistance from NMMI personnel, may be subject to disciplinary action.

**Disclosure of Information**

NMMI encourages individuals who have experienced sexual violence or misconduct to get the support they need and NMMI can respond appropriately. NMMI recognizes that such individuals may want to speak with someone on campus before deciding whether to report the incident to the police or the Office of Equal Opportunity for investigation. Individuals who experience sexual violence or misconduct are strongly encouraged to understand the various reporting requirements of NMMI entities in order to make the best decision for their circumstance. Whether or not anonymity is requested, information about sexual violence and misconduct will be treated confidentially and only be shared on a need-to-know basis, and as authorized under NMMI policy and applicable federal and state law.

As required by the federal Clery Act for statistical purposes, instances of sexual violence and misconduct reported to entities other than those identified below as “No Disclosure Required” must be reported to the NMMI Police Department, which is responsible for annually reporting crime statistics to NMMI community. Such reports to NMMI Police Department do not include identities and are only comprised of the nature, date, time, and general location. These reports do not serve as an official police report and do not launch a criminal or administrative investigation; these reports are purely for statistical purposes to meet Clery Act obligations.

1. **Anonymity/No Disclosure Required:** A Cadet who experiences sexual violence or misconduct can speak in complete confidentiality with a licensed counselor or a medical provider at NMMI’s Cadet Health and Counseling centers. Counselors and medical providers do not report any information about an incident to the police or any other NMMI entities. Similarly, NMMI staff and faculty may speak confidentially
with a licensed counselor at NMMI Counseling and no information will be disclosed to any entity. Other licensed medical professionals with NMMI affiliation who receive information about instances of sexual violence or misconduct while serving in an established practitioner/patient relationship are not required to disclose information. Outside of NMMI, the Rape Crisis Center of Central New Mexico and the Sexual Assault Nurse Examiner (SANE) provide their services to victims of sexual violence on a completely confidential basis.

2. No Anonymity Possible: All NMMI Faculty/Staff Not Previously Identified

Information about alleged sexual violence or misconduct that is shared by an individual with any NMMI faculty or staff not previously identified is required to be reported to the NMMI Human Resources office by law and NMMI Policy. However, it is still the full choice of the individual who has experienced sexual violence or misconduct to make a report with NMMI Police Department or to participate in an administrative investigation with NMMI’S HUMAN RESOURCES DEPARTMENT. NMMI faculty/staff receiving information about cases of sexual violence or misconduct involving Cadets must report within 24 hours or as soon as reasonably possible what they have learned to the Human Resource Office at 575-624-8080 or emailing NMMI’s Human Resources Department carmen@NMMI.edu.

Reports made by faculty or staff to NMMI’S HUMAN RESOURCES DEPARTMENT will include the nature, date, time, location, as well as the identities of all involved parties. While faculty and staff must report this information to NMMI’S HUMAN RESOURCES DEPARTMENT, this information is still considered confidential and will only be shared by NMMI’S HUMAN RESOURCES DEPARTMENT with those who have a legitimate need-to-know and as authorized by NMMI policy and applicable federal and state law.

Rights of the Parties

During NMMI’S HUMAN RESOURCES DEPARTMENT’s investigation following a report of sexual violence or misconduct, and prior to a final determination being made, the reporting party (“complainant”) and responding party (“respondent”) have equal rights to be treated with respect, dignity, and sensitivity throughout the process; to information on how the college will protect their confidentiality; and to present evidence or other information they feel relevant to the matter. Once NMMI’s investigation is complete and a final determination is made, the complainant and respondent have the equal right to notice of those findings and equal access to appeal those findings as described herein.
Resources Following an Act of Sexual Violence or Sexual Misconduct

While NMMI encourages an individual who has experienced sexual violence or misconduct to make an official report, whether the person chooses to do so, she or he is urged to seek appropriate help. There are numerous resources for Cadets, staff, and faculty at NMMI. Specific resources, either on or off campus for medical treatment, legal evidence collection, obtaining information, support, and counseling, and officially reporting an incident of sexual violence or misconduct are listed below. Each resource can assist a person to access the full range of services available. Cadets and staff or faculty accused of committing an act of sexual violence or misconduct may obtain confidential and anonymous support and counseling at Cadet Health and Counseling centers.

Procedures to Follow if Sexual Violence or Misconduct Happens to You

If you are in danger, dial 575-624-8421 or 911 for assistance. You may also want to call a trusted family member or a friend. Seek medical attention. If you have serious injuries, seek emergency medical attention at a hospital. In the Roswell area, you can contact SANE (Sexual Assault Nurse Examiners) by calling their crisis line at (575) 627-8361. It is open 24/7.

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

Educational Programs

NMMI recognizes the harm caused by sexual violence and misconduct and the need to educate NMMI community regarding these issues. NMMI offers the following educational programs:

1. Commandant Office
   (575) 624-8400
   The Commandant Office coordinates new Cadet orientation which includes
programs addressing sexuality, relationships, and sexual violence and misconduct issues, including the definition of consent under this Sexual Violence Policy.

2. **NMMI Police Department**  
(575) 624-8421  
As requested by campus departments, offices, and Cadet, staff, and faculty groups, the NMMI Police Department conducts presentations that center on personal safety, including specific training on sexual violence and misconduct prevention.

3. **NMMI Office of Human Resources**  
(575) 624-8040  
NMMI’S HUMAN RESOURCES DEPARTMENT staff offer in-person training for departments on preventing and responding to sexual harassment, including sexual violence and misconduct. NMMI’S HUMAN RESOURCES DEPARTMENT also provides online training to all NMMI community on preventing sexual harassment and NMMI policy.

4. **Cadet Counseling Center**  
(505) 624-8211  
CCC’s Department offers educational programs on sexuality, sexual decision-making and relationships. A Sexual Assault and Abuse Resource Guide is compiled and updated yearly to include current information about campus and community resources that assist individuals who have experienced sexual violence or misconduct.

**Investigation and Disciplinary Procedures**

NMMI’s Cadet Code of Conduct and Visitor Code of Conduct, which apply to the NMMI campus, prohibit any form of sexual violence or misconduct. The Cadet Code of Conduct and Visitor Code of Conduct describe the sanctioning options and procedures that may apply after an investigation pursuant to this section is complete should a finding be made that a Cadet or visitor more likely than not violated this policy. The Cadet Code of Conduct and Visitor Code of Conduct can be found in the NMMI Blue Book, and are administered by the Commandant Office.

NMMI’s Policy prohibits all forms of sexual harassment. If, after an investigation pursuant to this section, a finding is made that a staff member violated this policy, disciplinary action may be issued. All three policies are administered by the NMMI HR Office.

All forms of sexual harassment are considered violations of NMMI Policy. Allegations of sexual harassment are processed pursuant to HR Policy. If, after an investigation pursuant to this section, a finding is made that a staff or faculty member committed any form of sexual harassment, including sexual violence or sexual misconduct, disciplinary action may be issued pursuant to NMMI HR Policy.
A Cadet who experiences an act of sexual violence or misconduct committed by another NMMI Cadet, staff or faculty member, or a visitor to NMMI, has the option of filing a complaint with NMMI. NMMI processes allegations of sexual harassment, sexual violence, and sexual misconduct pursuant to its Discrimination Claims Procedure. While Discrimination Claims Procedure includes mediation as an option for resolving discrimination complaints, mediation will not be employed to address a complaint of sexual violence. NMMI investigators are trained in investigating allegations of sexual violence and misconduct.

If an individual reporting to a non-confidential NMMI entity that he or she experienced sexual violence or misconduct ("complainant") requests that his or her name not be revealed to the alleged perpetrator ("respondent"), or asks the Title IX Coordinator not to investigate the allegations of sexual violence, the complainant will be informed that honoring the request may limit NMMI’s ability to fully process the allegations, including pursuing disciplinary action against the respondent. NMMI’s prohibition against retaliation will also be explained to the complainant. If the complainant still insists that his or her name not be disclosed to the respondent, or continues to ask NMMI not to investigate the allegations, the Title IX Coordinator will determine whether NMMI can honor the request while still providing a safe and nondiscriminatory working and learning environment for the complainant and others. The Title IX Coordinator will strive to abide by the complainant’s request. However, the Title IX Coordinator reserves the right to determine that it is essential to disclose the complainant’s identity and/or to investigate the allegations despite the complainant’s request not to in order for NMMI to fulfill its obligations under Title IX. In such cases, the Title IX Coordinator will inform the complainant prior to starting an investigation and will share information only with NMMI officials who are responsible for processing the allegations in the complaint and therefore need to know that information.

In all cases, regardless of a complainant’s request for anonymity, the federal Clery Act requires that disclosure of crimes of sexual violence or misconduct that occur on the NMMI campus and on other property NMMI has control over (as defined under the Clery Act) must be reported for statistical purposes to the NMMI Police Department, which is responsible for annually reporting crime statistics to NMMI community. However, such reports to NMMI Police Department are for statistical purposes only and are not required to include the victim’s identity without his or her consent.

If the victim files a complaint with NMMI’S HUMAN RESOURCES DEPARTMENT and instructs it to investigate the allegations made, NMMI’S HUMAN RESOURCES DEPARTMENT will first make an assessment of whether it has jurisdiction to investigate the allegations made. If NMMI’S HUMAN RESOURCES DEPARTMENT does not have jurisdiction to investigate or otherwise process the allegations made, it will refer those issues to the appropriate body, if any. If it does have jurisdiction to investigate, as part of that investigation, NMMI’S HUMAN RESOURCES DEPARTMENT will make reasonable
attempts to contact the respondent to notify him or her of the allegations made, his or her right to respond to the allegations made and present information he or she deems relevant to the matter, and NMMI’S HUMAN RESOURCES DEPARTMENT’s investigation procedure. If NMMI’S HUMAN RESOURCES DEPARTMENT is unable to contact the respondent or if the respondent elects not to provide a response to the allegations made or information pertinent to the matter, NMMI’S HUMAN RESOURCES DEPARTMENT will make its determination based on the information it is able to gather.

Once a complaint is filed, both the complainant and respondent have equal rights to present evidence to NMMI’S HUMAN RESOURCES DEPARTMENT during its investigation. Once its investigation is complete, NMMI’S HUMAN RESOURCES DEPARTMENT uses a preponderance of the evidence standard to evaluate the evidence and determine whether an act of sexual violence or misconduct occurred. The “preponderance of the evidence standard” means that, on evaluation of all of the evidence, it is more likely than not that the alleged act of sexual violence or misconduct occurred.

The evidence NMMI’S HUMAN RESOURCES DEPARTMENT gathers during its investigation will be maintained by NMMI’S HUMAN RESOURCES DEPARTMENT and kept confidential to the extent authorized by law and policy. Should a complainant or respondent appeal NMMI’S HUMAN RESOURCES DEPARTMENT’s determination or any sanctions issued by the Commandant (as provided below), NMMI’S HUMAN RESOURCES DEPARTMENT may be required to release the evidence upon which its determination is based to the appealing party or the entity to which the appeal is made or both.

If, after investigation, NMMI’S HUMAN RESOURCES DEPARTMENT finds that it is more likely than not that a Cadet or visitor committed an act of sexual violence or misconduct (a Determination of Probable Cause), NMMI’S HUMAN RESOURCES DEPARTMENT will refer the matter to the Commandant Office to decide on the sanction to be imposed on the offender. If NMMI’S HUMAN RESOURCES DEPARTMENT makes a Determination of Probable Cause that a staff or faculty member committed an act of sexual violence or misconduct in violation of NMMI policy, NMMI’S HUMAN RESOURCES DEPARTMENT will refer the matter to that individual’s chain of command to take appropriate action, including taking disciplinary action. NMMI’S HUMAN RESOURCES DEPARTMENT does not make any determinations regarding whether a respondent has committed an act of sexual violence or misconduct in violation of criminal statute. Rather, such determinations are the sole jurisdiction of state and federal police and prosecutorial agencies.

In any disciplinary proceeding held by the Commandant Office, both the accuser and the accused are allowed to bring an advisor, including an attorney advisor. However, such advisors are not authorized to speak on behalf of the individual they are advising. Rather, the accuser and accused must present their own case during the proceeding, and advisors’ participation is limited to advising the person they are advising. In
addition, both the accuser and accused will be notified in writing of the decision on sanctions to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA), and both parties have the right to appeal the sanctions decision. More information about the disciplinary process used by the Commandant Office can be found in the Cadet Grievance Procedure.

Individuals who have experienced sexual violence or misconduct are encouraged to report the crime to the appropriate law enforcement authority. The Commandant Office is available to meet with a Cadet to discuss and help implement interim measures, including academic adjustments, changes in on-campus living situations, issuance of “no contact” orders and other measures as needed. Interim measures may also be provided for staff or faculty who experience sexual violence or misconduct, as directed by the appropriate supervisory authority.

Under NMMI’s Cadet Code of Conduct (Blue Book), a Cadet who commits a violation of this Code, including an act of sexual violence or misconduct, is subject to the following possible sanctions:

- Verbal warning - means an oral reprimand.
- Written warning - means a written reprimand.
- Disciplinary probation - means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending upon the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars regarding subjects including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
- Suspension - means losing Cadet status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.
- Expulsion - means losing Cadet status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
- Dismissal - means termination of Cadet employment, either for a stated time period or indefinitely.
- Barred from campus - means being barred from all or designated portions of NMMI property or activities.

Cadets are subject to the following possible sanctions for misconduct occurring in the residence halls:

- Housing reassignment - means the transfer of the Cadet from one dorm room to another or one residence hall to another.
• Restricted from entry into specific residence halls, dining hall, commons building, and other NMMI housing facilities.
• Contract termination - means the termination of the housing contract either for a stated period of time or indefinitely.

Under NMMI’s Visitor Code of Conduct, which applies to the NMMI campus, a visitor who commits a violation of this Code, including a sex offense, is subject to the following possible sanctions:

• Verbal Warning - means an oral reprimand.
• Written Warning - means a written reprimand.
• Probation - means the establishment of a time period during which further acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation.
• Removal from campus - means being physically escorted or forcibly removed to a location off property owned or controlled by NMMI, by NMMI Police Officers or other NMMI agents.
• Barred from campus - means being barred from all or designated portions of NMMI property or activities.
• The sanctions of denial of admission, readmission or employment by NMMI.
• Additionally or alternatively, any sanction applicable to a Cadet under the Cadet Code of Conduct may be provisionally applied to a visitor, to be made effective should the visitor ever enroll or re-enroll at NMMI.

NMMI employees who are found to be in violation of this policy may be subject to disciplinary action as provided in the NMMI HR Policy.

New Mexico Definitions of Violence Against Women Act Crimes

Stalking – NMSA 1978, § 30-3A-1 et seq., “Harassment and Stalking Act”

“Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

“Stalking” means knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement, or restraint of the individual or another individual. A “pattern of conduct” means two or more acts, on more than one occasion.

“Aggravated stalking” consists of stalking perpetrated by a person:
who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;
- in violation of a court order setting conditions of release and bond;
- when the person is in possession of a deadly weapon; or
- when the victim is less than sixteen years of age.

**Domestic Violence – NMSA 1978, § 30-3-10, et seq., “Crimes Against Household Members Act” (includes dating violence)**

“Domestic violence” consists of assault or battery of:

- a spouse or former spouse, or
- parent, step-parent, in-law, grandparent, grandparent-in-law, co-parent of a child, or a person with whom a person has had a continuing personal relationship.
- “continuing personal relationship” means a dating or intimate relationship.
- Cohabitation is not necessary to be deemed a household member for purposes of the Crimes Against Household Members Act.

“Assault against a household member” means:

- An attempt to commit a battery against a household member; or
- Any unlawful act, threat or menacing conduct that causes a household member to reasonably believe they are in danger of receiving an immediate battery.

“Aggravated assault against a household member” means:

- Unlawfully assaulting or striking a household member with a deadly weapon; or
- Willfully and intentionally assaulting a household member with intent to commit any felony.

“Assault against a household member with intent to commit a violent felony” means any person assaulting a household member with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second, or third degree, robbery, kidnapping, false imprisonment, or burglary.

“Battery against a household member” consists of the unlawful, intentional touching or application of force against a household member when done in a rude, insolent, or angry manner.

“Aggravated battery against a household member” consists of the unlawful touching or application of force against a household member with intent to injure that person or another.
Sexual Assault – Criminal Sexual Penetration (NMSA 1978, § 30-9-11), Criminal Sexual Contact (NMSA 1978, § 30-9-12), and Criminal Sexual Contact with a Minor (NMSA 1978, § 30-9-13)

“Criminal sexual penetration” is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio, or anal intercourse or the causing of penetration, to any extent and with any object, or the genital or anal openings of another, whether or not there is any emission.

- Criminal sexual penetration is a felony crime; the degree of the felony (first degree through fourth degree) depends on the age of the victim and the force or coercion used by the perpetrator.
- “Force or coercion” is defined in NMSA 1978, § 30-9-10(A) and means:
  - the use of physical force or physical violence;
  - the use of threats to use physical force or violence against the victim or another;
  - the use of threats, including threats of physical punishment, kidnapping, extortion, or retaliation directed against the victim or another; or
  - committing a criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep, or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act.

“Criminal sexual contact” is the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one’s intimate parts. “Intimate parts” means the primary genital area, groin, buttocks, anus, or breast.

- Criminal sexual contact is a felony crime if perpetrated by the use of force or coercion that results in personal injury to the victim, or if the perpetrator is aided or abetted by others, or when the perpetrator is armed with a deadly weapon.
- Criminal sexual contact is a misdemeanor crime when perpetrated with the use of force or coercion.

“Criminal sexual contact with a minor” is the unlawful and intentional touching of or application of force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one’s intimate parts. “Intimate parts” means the primary genital area, groin, buttocks, anus, or breast. A “minor” is a person eighteen years of age or younger.
Consent

In New Mexico, the absence of consent is not an element of the crime of criminal sexual penetration. What this means that a prosecutor does not have to prove beyond a reasonable doubt that sexual intercourse took place without the victim’s consent in order to convict the defendant of criminal sexual penetration. A defendant can, however, claim as a defense to a charge of criminal sexual penetration that the accuser consented to the sexual act. Consent may be used to negate the element that “force or coercion” was used by the accused. Consent is what is known as an affirmative defense to a charge of criminal sexual penetration because if the accuser consented, the sexual act would not have been unlawful.

NMMI has adopted a definition of consent in this policy.

Footnotes:

1. The Violence Against Women Act (VAWA) is a federal law originally passed in 1994 and reauthorized several times by Congress, most recently in 2013.

2. Except as required by law and their professional licensure requirements such as reporting imminent danger.

3. Except as required by law and their professional licensure requirements such as reporting imminent danger.

4. Under certain circumstances, the allegations made may indicate that a continuing threat to the general public may be present. Under those circumstances, NMMI may be obligated to forward the allegations to the appropriate agency for investigation and/or prosecution.

6.17 Cleary Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (“Cleary Act”) is a federal law requiring institutions of higher education that receive federal funding to collect and publish statistics about reports of certain crimes that occur on or adjacent to campus, or in other areas owned or controlled by the institution and frequently used by Cadets. In addition, institutions are required to adopt and publish policies related to campus safety and security. The purpose of this policy is to ensure NMMI’s compliance with the requirements of the Cleary Act. Any changes in the Cleary Act requirements will supersede the relevant provisions of this policy.
Many NMMI offices and individuals are tasked with helping NMMI to comply with the requirements of the Clery Act, including, but not limited to: NMMI Police Department, Athletics, Commandant, Deans, NMMI Infirmary, Human Resources, Admissions Office, Cadet Health and Counseling, and other offices or individuals with significant responsibility for Cadet and post activities.

The Clery Act requires NMMI to collect and publish statistics for the NMMI campus; The Clery Act Compliance Officer oversees the Clery Act compliance of NMMI

**Requirements of the Clery Act**

In order to comply with the requirements of the Clery Act, NMMI must:

- Compile statistics of reported Clery Act crimes (see Section 3) that occur on the NMMI campuses, the immediately adjacent streets and sidewalks surrounding the campuses, and in remote facilities some distance away from the campuses that is owned or controlled by NMMI and frequently used by Cadets for educational purposes. These areas constitute the “Clery geography.”
- Collect reports of Clery Act crimes made to the NMMI Police Department other local law enforcement agencies Campus Security Authorities (CSAs).
- Publish and distribute to all Cadets and employees by October 1st of each year an Annual Security and Fire Safety Report (Clery Report) which includes crime data for reports of Clery Act crimes, fire incident data for NMMI residential facilities, security policies, and procedures in place to protect the NMMI community and information on the handling of threats, emergencies, and dangerous situations on campuses.
- On an annual basis, report Clery Act crime statistics and fire incident statistics to the U.S. Department of Education as required.
- Identify CSAs on a regular and ongoing basis and notify these individuals of their obligations under the Clery Act to report any and all Clery Act crimes that they witness, or are reported to them.
- Provide mandatory training for all CSAs during the first year they serve as CSAs.
- Maintain a daily crime log that includes all criminal incidents and alleged criminal incidents that are reported to the NMMI Police Department. This log will be available for public inspection, upon request.
- Maintain a fire log that records all reported fires occurring in NMMI Cadet housing facilities. This log will be available for public inspection, upon request.
- Issue timely warnings to alert the campuses of Clery Act crimes that occur in Clery geography and pose a serious or continuing threat to the applicable campus community. Timely warnings will be disseminated throughout the community as soon as pertinent information is available and will provide
information that will allow members of the campus community to protect themselves and prevent similar crimes from occurring.

- Issue emergency notifications for any significant emergency or dangerous situation involving an immediate threat to the health or safety of Cadets or employees occurring on the applicable NMMI campus.
- In the event that a Cadet residing in NMMI housing is reported as missing, the NMMI Police Department shall be notified as well as the persons designated by the allegedly missing Cadet as his or her missing Cadet contacts within 24 hours.

**Clery Act Crimes**

The crimes identified by the Clery Act to be reported annually to the NMMI community include: murder and manslaughter; forcible and non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; and stalking.

If any of the above offenses were reportedly committed as “hate crimes,” that must be separately indicated in the annual Clery Report statistics. A hate crime occurs when the offender is motivated by bias against the victim. Under the Clery Act, “bias” is a preformed negative attitude or opinion towards a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. In addition to the above crimes, if any of the following offenses were motivated by the offender’s bias against the victim, they must be included in the annual Clery Act statistics: larceny--theft, simple assault, intimidation, or destruction/damage/vandalism of property.

Reports of attempts of any of these types of crimes are also considered to be Clery Act crimes; for example, an attempted sexual assault must be included in the statistics for forcible sex offenses.

The final element of Clery Act crimes that must be reported in the annual Clery Report are arrests and referrals for NMMI disciplinary action for any of the following: liquor law violations, drug law violations, and weapons law violations.

For more information and definitions of Clery Act crimes, see pages 34-72 of the US Department of Education’s “The Handbook for Campus Safety and Security Reporting.”

**Campus Security Authorities**

CSAs are defined under the Clery Act as individuals at NMMI who, because of their function for NMMI, have an obligation to notify the NMMI Police Department of alleged Clery Act crimes that are reported to them in good faith, or alleged Clery Act crimes that they may personally witness. CSAs are defined by their NMMI function, not by job title.
The Clery Act defines four categories of CSAs:

- Campus police or security department. All members of the NMMI Police Department are CSAs.
- Any individual who is responsible for campus security in some capacity, but who is not a member of a NMMI Police Department. This includes; persons monitoring access to NMMI events; and Cadet security.
- Any individual or office at NMMI identified in a NMMI policy as an individual or office to which crimes should be reported.
- NMMI officials and others who have significant responsibility for Cadet and campus activities. The Clery Act rules specifically designate the following as CSAs:
  - Police and security personnel
  - Commandant
  - Athletics Directors
  - Athletics Coaches
  - Faculty/staff advisors to chartered Cadet organizations
  - Residence Life and Cadet Housing Communities Troop Leadership Advisor (TLA) and Squadron Leadership Advisors (SLA) and Assistants
  - Sexual Assault Response Team

Many other NMMI officials, such as Deans, are also CSAs based on their job duties. The idea behind CSAs is that not all crimes on campus are reported to the police department. A Cadet, for example, who is the victim of a crime may feel more comfortable telling his or her TLA/SLA or athletics team coach. The Clery Act requires colleges and universities to collect crime reports from all individuals and offices who are CSAs in order to present complete and accurate data to the campus community and respond to safety issues.

The role of CSAs is to record any information of alleged Clery Act crimes that are reported to them or that they may personally witness and promptly submit that information through the online reporting form on the CSA website.

Once a year when the annual Clery Act crime statistics are being compiled for publication, CSAs will receive a survey form asking whether any crimes were reported to the CSAs. The Clery Act Compliance Officer will distribute the survey form to CSAs from the NMMI campus and the Clery staff will distribute the survey form to CSAs not from the NMMI campus. CSAs must complete and return the survey form as directed.

The role of a CSA is not to investigate the allegation and decide whether a crime took place—that is the function of law enforcement. A campus CSA should not try to apprehend the alleged perpetrator of the crime. That, too, is the responsibility of law enforcement. It is also not a CSA’s responsibility to try and convince a victim to contact
law enforcement if the victim chooses not to do so. A CSA’s charge is to transmit information about alleged crimes to the Clery Act Compliance Officer and, if not from the NMMI campus, to Clery staff for appropriate follow-up. A CSA may also provide information to a victim of an alleged crime about resources available to assist him or her.

CSAs are required to complete Clery Act training during the first year they serve as CSAs. The training is coordinated by the Clery Act Compliance Officer and can be taken via an online module through Learning Central or on the NMMI campus’s NMMI Police Department website. The Clery Act Compliance Officer also offers in-person training classes for CSAs. In particular, the Clery Act Compliance Officer will coordinate an annual mandatory training on counting, collecting, and classifying crime statistics for designated staff from the Commandant Office, Health Sciences Center, Residence Life, and American Campus Communities.

Identifying CSAs will be coordinated by the Clery Act Compliance Officer and Clery staff. Because personnel and job duties change, someone who is a CSA one year may not be a CSA the following year, and vice versa. Identifying CSAs requires knowledge of the functions performed by employees in each department. Therefore, all NMMI Tier One staff, deans, department chairs, and other unit heads shall assist the Clery Act Compliance Officer and Clery staff in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

NMMI’s compliance with the Clery Act depends on the cooperation of CSAs. A CSA who fails to fulfill his or her responsibilities in that role is violating this policy and may be subject to disciplinary action.

**Annual Clery Report**

By October 1st of each year the Clery Report must be published and distributed to all currently enrolled NMMI Cadets and employees. The Clery Act permits institutions to distribute the Clery Report by posting it online and sending individual notification to each Cadet and employee announcing the availability of the report, briefly describing the information contained and the exact URL address where the complete Clery Report is posted. The NMMI Police Department and Clery Compliance Officer are responsible for posting the annual Clery Report on the NMMI Police Department’s website for each of the NMMI campuses. For the NMMI campus, the NMMI Police Department fulfills the notification requirements by sending email to all NMMI Cadets and employees. Any person requesting a paper copy of the Clery Report shall be provided one without charge.

The Clery Report must also be provided to prospective NMMI Cadets and employees upon request. Online and written materials for prospective Cadets and employees
should include the exact URL address where the Clery Report for the applicable campus is posted and a statement that NMMI will provide a paper copy of the report upon request.

The Clery Act Compliance Officer in collaboration with the NMMI Police Department, are responsible for compiling statistics of the Clery Act crimes reported to CSAs, local law enforcement agencies and NMMI Police Department. The Commandant Office is responsible for providing statistics on referrals for disciplinary action for violations of state laws governing alcohol, drugs, and weapons use and possession to the Clery Act Compliance Officer.

The annual Clery Report must also include information about any reported fires in NMMI housing facilities. For the NMMI campus, Safety and Risk Services, NMMI Residence Life and Cadet Housing will provide fire statistics to the Clery Act Compliance Coordinator for on-campus Cadet housing and NMMI Family Housing. Residence Life and Cadet Housing will also provide to the Clery Act Compliance Officer all of the information on their respective fire safety policies and procedures required to be included in the annual Clery Report.

The NMMI Clery Act Compliance Officer is responsible for ensuring that the annual Clery Report contains all of the statistics, NMMI policies and procedures, program descriptions, and other information required by the Clery Act. The Clery Act Compliance Officer is also responsible for fulfilling NMMI’s obligation to annually report crime and fire incident statistics to the U.S. Department of Education via its web-based data collection.

**Records Retention**

All supporting records must be kept for three years following the publication of the last Clery Report to which they apply. Thus the records retention period is seven years after the date an incident was reported because each annual Clery Report includes data from the past three years. Records to be maintained include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from CSAs; correspondence with the U.S. Department of Education regarding Clery Act compliance; and copies of notices to Cadets and employees about the availability of the annual Clery Report.

**References**

[US Department of Education’s “The Handbook for Campus Safety and Security Reporting” and other resources](#)
6.18 Strategic Process

The NMMI institutional Strategic Plan is intended to chart the course of the Institute for the next ten years. The Strategic Plan shall establish the steps necessary to achieve the vision set forth for NMMI, articulating our future state, our vision and mission, our strategic themes and goals, and the action items to bring the plan to fruition. Thus, only the combined, coordinated, sustained efforts of all NMMI stakeholders, Faculty, Administration, Cadets, Alumni, the NMMI Foundation, will ensure the success of NMMI’s Strategic Plan.

The NMMI Strategic Plan shall provide guidance in the integration and utilization of the modern tools, technologies, and techniques that will establish a flexible and relevant learning environment for the student of the 21st Century. The NMMI Strategic Plan shall be the seminal document in the NMMI Family of Plans, providing the critical linkage of our vision and mission to the operational plans, policies, procedures, and directives of each of our components and organizations.

NMMI Strategic Plan shall comply with the North Central Association institutional accreditation process and our own internal self-study. The NMMI Strategic Plan shall be a living document, and shall be reviewed and updated annually. The NMMI Strategic Plan shall specify the review process, and shall include ongoing assessments. The NMMI Strategic Plan shall outline the direction NMMI will follow to include our vision, mission, goals, objectives, and learning outcomes. The NMMI Strategic Plan shall clearly state our organizing principles and the enduring concepts and characteristics that define and identify who we are. The Plan shall focus our attention on our prime responsibility, our Cadets, and their development. NMMI 2020 shall be developed via a “bottom up” approach. NMMI 2020 shall include input from every NMMI employee and department. The NMMI Strategic Plan shall be made available to all employees and the public.

6.19 Responsibility and Accountability for NMMI Information and Transactions

NMMI administrative processes, systems, and forms provide electronic and manual mechanisms for business and administrative functions such as finance, Cadet, Cadet financial aid, and human resources. Use of NMMI information and systems is restricted to authorized NMMI business and administrative users. This policy defines the specific responsibilities of individuals who request, initiate, approve, and/or review business and administrative transactions and reports. These individuals are accountable for fulfilling the responsibilities defined in this policy.
Deans, Directors, and Department Heads

Deans, directors, and department heads define departmental approval processes and designated individuals in their organizations who are authorized to process business and administrative transactions. Deans, directors, and department heads are responsible for exercising good judgment, upholding ethical standards, and should have internal procedures in place to ensure periodic review of designations and related training.

Authorizing and Processing Transactions

Each of these two functions, authorizing transactions and processing transactions, carry distinct responsibilities listed below. If the functions are performed by the same person, that individual is accountable for both sets of responsibilities.

Requesters

The requester is the individual who identifies the need for the transaction and authorizes the request to be processed. The requester is responsible for:

- determining the validity and appropriateness of the transaction; and
- evaluating the transaction for compliance with contractual requirements.

This individual will be accountable for fulfilling the above responsibilities, exercising good judgment, and upholding ethical standards.

Initiators and Originators

Initiators/Originators are individuals who have been authorized by a dean, director, or department head to enter transactions into electronic business or administrative systems and/or prepare paper forms. If the Initiator/Originator is not the requester of the transaction, the Initiator/Originator should make sure he or she has designated authority to initiate a transaction. Departments should develop procedures for documenting requests. Initiators/Originators are also responsible for:

- ensuring the electronic transaction and/or form is complete and accurate;
- verifying all backup documentation;
- notifying approvers and requester if a transaction will cause an account to go over budget;
- ensuring compliance with administrative processes; and
- ensuring deadlines are adhered to in submission of the transactions.
Initiators/Originators are accountable for fulfilling the above responsibilities, exercising good judgment, and upholding ethical standards.

**Departmental Approvers**

Approvers are individuals designated by deans, directors, or department heads to review and approve electronic transactions and/or forms before they are released for processing. Depending on the type of transaction and the level of risk, there may be more than one individual required to approve a transaction. However, the first-level approver is responsible for:

- conformity with budget;
- verifying the appropriateness of the transaction; and
- ensuring compliance with NMMI policies and procedures.

Subsequent approvers are primarily responsible for acceptance of the added risk associated with high dollar and/or risk transactions. Approvers will be accountable for fulfilling the above responsibilities, exercising good judgment, and upholding ethical standards.

**Core Office Approvers**

Core office approvers are responsible for:

- verifying proper transaction processing; and
- verifying compliance with NMMI policies, federal and state laws and regulations, and administrative processes; and
- periodic review of transactions including trend analysis, internal controls, and review of departmental approval processes.

Approvers are accountable for fulfilling the above responsibilities, exercising good judgment, and upholding ethical standards.

**NMMI Information**

All individuals authorized to process, approve, and/or review transactions and reports are responsible for the proper use of any information they view. Department heads or designees are responsible for a monthly review of transactions affecting their business and administrative processes to ensure appropriateness of transactions and conformity with approved processes including budget.
Sanctions

Individuals who do not demonstrate due care and good judgment in the administration of their duties may be subject to disciplinary action, up to and including discharge.

Social Security Numbers

NMMI collects and maintains confidential information, including social security numbers (SSNs) of its Cadets, staff, faculty and individuals associated with NMMI. Responsibility and Accountability for NMMI Information and Transactions describes the basic components of the NMMI Information Security Program which applies to all employees (Cadet, staff, and faculty), contractors, vendors, volunteers, and all other individuals who work with NMMI data and information. This policy defines additional requirements applicable to SSNs. NMMI recognizes the importance of the proper handling of SSN’s in order to protect personal privacy and minimize the growing risks of fraud and identity theft. The Federal Privacy Act of 1974 (5 U.S.C. Sec. 552a) is the federal law that regulates the collection of SSNs. This law makes it illegal for federal, state or local government agencies to deny any rights, benefits or privileges to individuals who refuse to disclose their SSNs unless the disclosure is required by federal statute or the disclosure is to an agency for use in a record system which required the SSN before 1975. This Act applies to NMMI. The Federal Privacy Act also requires that any agency that requests SSNs must inform individuals asked:

- whether the disclosure is mandatory or voluntary;
- what the authority is for requesting the SSN;
- what uses will be made of the information; and
- the consequences, if any, of failure to provide the information.

Collection of Social Security Numbers

Where IRS or other federal regulations require NMMI to report SSN, we require individuals to provide us with that information.

Notification Statement

In all instances when NMMI requests an individual to supply his/her SSN, it must indicate in writing:

- whether the disclosure is mandatory or voluntary;
- by what authority the number is requested;
- the uses which will be made of it; and
• the consequences, if any, of failure to provide the SSN. All statements must be approved in advance by the Office of the Chief of Staff.

**Employees**

Employees are required to provide their SSNs on payroll/personnel, health insurance, and retirement forms.

**Cadets**

Cadets are required to provide their SSNs for admission, financial aid, and Cadet housing contracts. Cadets unable to provide a SSN will be assigned an alternative number.

**Other Individuals**

Other forms that request disclosure of SSNs, and proposals by departments to collect SSNs for any purpose must be approved in advance by Office of NMMI Counsel. The provision of SSNs in such cases must be strictly voluntary and individuals who decline to disclose the number may not be denied any rights, benefits or privileges.

**Disclosure of SSNs by NMMI**

An individual's SSN is personal information and shall not be released by NMMI to outside individuals or entities, except:

• as allowed or required by law;
• when permission is granted by the individual;
• when the outside individual or entity is acting as NMMI's contractor or agent and appropriate security measures are in place to prevent unauthorized dissemination to third parties; or
• when the Office of NMMI Counsel has approved the release.

**NMMI Identification Numbers**

NMMI does not use SSNs as primary identifiers for Cadets or employees. Any exception must be approved in writing by the cognizant Tier One staff member and NMMI Chief Information Officer (CIO). Cadets and employees are assigned a unique randomly-generated identification number to allow access to records and to transact business with NMMI. These numbers remain the property of, and are subject to, NMMI's rules. NMMI identification numbers are not accorded the same confidential status as SSNs.
Use of Social Security Numbers

The following guidelines must be followed by NMMI employees with access to SSNs:

- SSNs will be transmitted electronically only through secure mechanisms as determined by ITS;
- paper and electronic documents containing SSNs will be disposed of in a secure fashion; and
- Cadet grades and other pieces of personal information will not be publicly posted or displayed using either the complete or partial SSN for identification purposes.

Report Collection, Use, and/or Storage of SSNs

Departments that collect, use and/or store SSNs must submit a report to NMMI Information Security Officer documenting the reason for collection, the handling processes in place to ensure protection of SSNs, and the notification statement required herein. Reports must be made no later than September 30, 2008, or within ninety (90) days of beginning collection, use, and/or storage of SSNs, whichever is later. In addition, departments must review SSN procedures annually and report any changes to NMMI Information Security Officer.

6.20 Public Information Policy

Professional discretion will govern the release of newsworthy material, publications and promotional material.

Confidentiality

Rules of confidentiality will be maintained in all transactions that place information into the public domain information concern cadet enrollment, policy, disciplinary action, and other matters that affect individuals of the Corps of Cadets. The faculty or staff will be coordinated through the Director of Marketing / Communication before dissemination to any outside agency, source or media outlet.

Coordination of Information

NMMI’s policy is to coordinate any public statements, which reflect on the Institute through the President / Superintendent, legal advisor and / or Director of Marketing / Communication.

Public Personnel Matters

Resignations of faculty or staff are customarily not announced without the individual’s consent to do so. Exceptions include those who hold high office, including the President /
Superintendent, the Tier 1 group or others whose offices would warrant public disclosure. Judgement is to be exercised in all such disclosure matters.

Request of Public Records

Inspection of Public Records Act (IPRA) is a formal request from the public for information from NMMI. All such IPRA requests whether formal or not, shall be forwarded to the office of the Custodian of Records for NMMI, the Chief of Staff.

6.21 Information Security

NMMI is committed to protecting and safeguarding all data and information that it creates, collects, generates, stores, and/or shares during the generation and transmission of knowledge as well as during the general operation and administration of NMMI. NMMI is also committed to complying with all federal and state laws pertaining to securing this data and information and preventing its disclosure to unauthorized individuals. These laws include, but are not limited to, the Financial Services Modernization Act of 1999, also known as the Gramm-Leach-Bliley Act or GLBA. In 2003, the Federal Trade Commission (FTC) confirmed that higher education institutions are considered financial institutions under this federal law and promulgated the GLBA Safeguards Rule, 16 CFR Part 314, which requires higher education institutions to have an information security program to protect the confidentiality and integrity of personal information. This policy describes the basic components of the NMMI Information Security Program which applies to employees (Cadet, staff, and faculty), contractors, vendors, volunteers, and all other individuals who work with NMMI data and information.

In accordance with New Mexico law, some employee information is considered public information; however, such information must still be protected from inadvertent destruction or unauthorized changes.

NMMI Information Security Program

The NMMI Information Security Program is designed to protect the confidentiality, integrity, and availability of protected information; protect against anticipated threats or hazards to the security or integrity of such information; and protect against unauthorized access to or use of protected information that could result in substantial harm to any Cadet, parent, employee, or customer of NMMI. This program includes the process for identification of risks and defines responsibilities for safeguarding information, monitoring the effectiveness of the safeguards, evaluating service providers, and updating the program itself. The NMMI Information Security Program is published on the Office of Chief Information Officer (CIO) website.
Protected Information

The GLBA Safeguards Rule mandates that the NMMI Information Security Program be designed to safeguard non-public, personally identifiable financial information

- that is provided to NMMI,
- results from any transaction with the consumer or any service performed for the consumer (i.e. Cadets, faculty, staff, employees, associates, donors, patients), or
- is otherwise obtained by NMMI.

The NMMI Information Security Program defines what specific data elements and information (and in what context) constitute to-be-protected non-public, personally identifiable financial information, which includes but is not limited to:

- social security numbers,
- credit card number, and
- bank routing and account numbers when used in conjunction with the account owner's name.

Information Security Plan Coordinator

NMMI Chief Information Officer is designated as the Information Security Program Coordinator, a specific role required by the GLBA. This position is responsible for:

- developing and implementing the NMMI Information Security Program;
- identification of risks to confidentiality, integrity, and availability of protected information;
- designing and implementing appropriate safeguards;
- evaluating the security program; and
- making adjustments to reflect relevant developments or circumstances that may materially affect these safeguards, including changes in operations or the results of security testing and monitoring.

Funding of Information Assurance Measures

The Chief Information Officer or designee will work with data owners, deans, directors, and heads of departments that have access to protected information to identify funding sources, opportunities for economies of scale, and creative means to safeguard NMMI data; however, the Chief Information Officer is not fully responsible for the funding of appropriate safeguards—it is a NMMI-wide effort that will only be realized through shared governance, shared responsibility, and common goals.
Risk Assessment

The NMMI Information Security Program will include processes and procedures to assess the risk to NMMI’s information systems. Information systems include the hardware and software components of the computing infrastructure as well as individual personal computers, personal digital assistants, phones, servers, networks, and peripheral technologies used for the processing, storage, transmission, retrieval, and disposal of information. Risks to NMMI’s information systems extend beyond computer-related hardware and software to include, for example, hiring procedures; data handling procedures; individuals who have access to information systems and the data therein; and the buildings and equipment that contain any aspect of an information system including the transmission of protected information.

Employee Management and Training

The success of the Information Security Program depends largely on the employees who implement it. The Chief Information Officer or designee will coordinate with deans, directors, and heads of departments that have access to protected information to evaluate the effectiveness of departmental procedures and practices relating to access to and use of protected information. The NMMI Information Security Program details recommended administrative safeguards designed to train personnel, increase awareness, and reduce risks to the confidentiality, integrity, and availability of protected information such as:

- mandatory information assurance training;
- periodic audits to ensure individuals have only the appropriate level of information system access rights and permissions required to perform their jobs;
- periodic reviews of job descriptions and position requirements to ensure the appropriate levels of reference and background checks are conducted before hiring decisions are made;
- non-disclosure and confidentiality statements required when appropriate; and
- periodic evaluations of each individual's understanding of college and/or departmental data handling procedures.

Departmental Responsibilities

Deans, directors, and heads of departments that have access to protected information are responsible for informing employees of ongoing updates to security measures, ensuring employees have attended required information security training, and notifying departmental computer system administrators and Information Technology Services (ITS) when employees no longer require access due to reassignment or termination.
NMMI-Wide Responsibilities

All breaches of information security must be reported immediately to security@NMMI.edu.

Compliance by Service Providers

Service providers and/or contractors who provide services that may allow them to access protected information must comply with the GLBA safeguard requirements, NMMI's Information Security Program, and applicable NMMI policies listed in Section 6, herein. NMMI Purchasing Department is responsible for reviewing prospective service providers and/or contractors to ensure they have and will maintain appropriate safeguards for protected information.

Monitoring and Testing

The Chief Information Officer or designee will regularly monitor the NMMI Information Security Program and periodically test the required and recommended safeguards. Based on these assessments, the Chief Information Officer or designee will work with all appropriate individuals to implement, correct, design, or improve safeguards.

NMMI Internal Audit Department will include as part of its routine audit procedures a review for compliance with the NMMI Information Security Program. This review will include an evaluation of the effectiveness of controls, systems, and procedures. Any findings, discrepancies, and/or violations will be reported to the Chief Information Officer or designee who will investigate the problem and work with all appropriate individuals to develop a remedy.

Evaluation and Adjustment

The Chief Information Officer or designee is responsible for adjusting the NMMI Information Security Program to ensure that the required and recommended administrative, physical, and technical safeguards are appropriate to NMMI's size and complexity, the nature and scope of its activities, and the sensitivity of the data and information NMMI handles.

6.22 Freedom of Expression and Dissent

As an institution that exists for the express purposes of education, and public service, NMMI is dependent upon the unfettered flow of ideas, not only in the classroom and the laboratory, but also in all NMMI activities. As such, protecting freedom of expression is of
central importance to NMMI. The exchange of diverse viewpoints may expose people to ideas some find offensive, even abhorrent. The way that ideas are expressed may cause discomfort to those who disagree with them. The appropriate response to such speech is speech expressing opposing ideas and continued dialogue, not curtailment of speech.

NMMI also recognizes that the exercise of free expression must be balanced with the rights of others to learn, work, and conduct business. Speech activity that unduly interferes with the rights of others or the ability of NMMI to carry out its mission is not protected by the First Amendment and violates this policy.

Core Principle

NMMI is committed to tolerate all peaceful speech activities carried out upon the campus unless those activities destroy or materially damage property, materially disrupt other legitimate NMMI activities, or create a substantial health or safety hazard. This policy applies to all buildings, grounds, and property owned or controlled by NMMI.

Speech Activities

Speech activities protected by this policy include speechmaking, praying, the distribution of written materials, picketing, assembling in groups, demonstrating, sidewalk chalking, erecting symbolic structures, and any other actual or symbolic speech or conduct intended to communicate an idea.

Legitimate NMMI Activities

Legitimate NMMI activities include teaching, research, and public service; all of the administrative operations supporting those activities; and the performance of all NMMI approved educational, commercial, research, professional or other activities by public or private contractors, tenants, or permittees. A legitimate NMMI activity is described in sections herein.

Materially Disrupting Activities

A speech activity materially disrupts other legitimate NMMI activities when a reasonable person is unable to effectively perform a legitimate NMMI activity because of the speech activity taking place. Examples of when a speech activity may materially disrupt other legitimate NMMI activities include, but are not limited to:

- Conducting the speech activity at a volume that substantially disrupts the normal use of classrooms, offices, laboratories, and other NMMI facilities or grounds;
- Physically preventing persons from entering or leaving a building or premises;
• Conducting a speech activity inside a building and not ending it at or before the close of the building's regular hours;
• Destroying or materially damaging any property; or
• Creating a substantial health or safety hazard.

Scheduling

Subject to the exceptions described in the policy below, scheduling to use NMMI facilities for speech activities is not required. Users, however, should be aware that many facilities, both indoor (e.g. classrooms) and outdoor (e.g. Stapp Fields), are used for regularly scheduled activities that have priority over other uses. In order to reserve the desired space and avoid conflicts with other users, groups or individuals wanting to use a regularly scheduled NMMI facility for a speech activity are encouraged to schedule it at least twenty-four (24) hours in advance with the office that schedules the desired venue, as advised by the Cadet Activities Center. Users who fail to schedule a speech activity that occurs and unduly interferes with a prior scheduled activity are in violation of this policy.

Scheduling Required

Because of size, safety, logistics, and other considerations, the following types of speech activities must be scheduled in advance:

• Assemblies or large events in a NMMI auditorium or similar facility. Users must schedule such events following the procedures of the appropriate NMMI office that oversees the facility.

• Planned demonstrations on campus. A planned demonstration is a public manifestation of protest, condemnation, or approval; taking the form of a mass meeting, procession, picket, or similar activity which is organized and promoted more than a day before the event. Users must schedule such events with the Cadet Activities Center at least twenty-four (24) hours in advance. This does not apply to spontaneous demonstrations for which there is no prior promotion or organization or where events do not allow at least twenty-four (24) hours notice in advance. In such situations, as much prior notice as possible must be provided to the Cadet Activities Center.

• Building a symbolic structure on campus, which must be scheduled with the Cadet Activities Center at least twenty-four hours in advance.

• Scheduling does not operate as a process for prior approval of speech activities based upon content. Speech activities will be scheduled on a first-come, first-served
basis for the requested location. Events will not be scheduled only if there is a scheduling conflict with an earlier planned event or if the requested event will clearly result in a violation of this policy. The viewpoint to be expressed through the speech activity is not a factor in scheduling. A decision not to schedule an event may immediately be appealed to NMMI President or designee.

**Enforcement**

Any person violating this policy may be subject to:

- Institutional disciplinary proceedings under the Cadet Code of Conduct if a Cadet or the Visitor Code of Conduct if a visitor. Violations by faculty or staff will be referred to the appropriate department or academic unit;
- An order to leave the premises or property owned or controlled by NMMI by the police or a person in charge of the property; and/or
- Arrest for violation of state law(s).

**6.23 Governmental Relations and Legislative Activity**

Federal, state, and local support is extremely important to the teaching, research, and public service mission of NMMI. Through this support, NMMI can enhance current programs and develop resources to support future programs. To ensure effective development and management of federal, state, and local government support and compliance with federal, state, and local laws and regulations, the Office of Government and Community Relations must coordinate NMMI’s contacts with elected officials and lobbyists. In determining legislative priorities and other related activities, the Office of Government and Community Relations consults with a broad cross section of the NMMI community. This collaborative approach is endorsed by the Higher Learning Commission of the North Central Association of Colleges and Schools, which noted in a 2009 report that it is “important to develop and reinforce appropriate institutional channels” for official NMMI communications with elected official in order “to focus NMMI’s voice.”

**Political Relationships**

With a comprehensive overview of NMMI’s federal, state, and local legislative activity, the Office of the President / Superintendent serves as a clearinghouse for legislative requests to ensure a consistent message regarding NMMI’s priorities and to ensure elected officials and their support staff are not approached by multiple NMMI constituents at the same time. The Office of the President / Superintendent establishes relationships with elected officials, matches requests for information with the appropriate NMMI representatives, and works closely with Cadets, faculty, and staff to ensure NMMI presents a unified image.
Establishment of NMMI's Legislative Priorities

The Office of the President / Superintendent, in consultation with the Board of Regents, Tier 1 Staff, coordinates an inclusive and transparent process which provides Cadets, faculty, and staff an opportunity to participate in the development of NMMI's priorities. This year-round process includes open forums, committee meetings, and legislative hearings during the months leading up to the legislative session. Therefore, it is important that Cadets, faculty, and staff become involved early in the process so their concerns and suggestions can be effectively addressed at the appropriate stage of the priority setting process.

Lobbying Restrictions

NMMI encourages employees to have good professional relationships with federal, state, and local elected officials and to be responsive to officials’ questions and requests for information.

Many contacts with elected officials, however, may meet the legal definition of official lobbying on behalf of NMMI, and require NMMI to track and disclose the activities. For this reason, it is imperative that employees notify the Office of Government and Community Relations of their contacts with any and all elected officials to ensure compliance with a complex series of federal, state, and local laws and regulations regarding governmental, legislative, and political activities including, but not limited to, the:

- Lobbying Disclosure Act of 1995
- Honest Leadership and Open Government Act
- Byrd Amendment
- New Mexico Governmental Conduct Act
- New Mexico Gift Act
- New Mexico Lobbyists Regulation Act

Activities covered by these laws and regulations include not only attempts to influence the action of any legislative body, or federal, state, or local governmental agency, but also contacts with certain senior officials and other designated public office holders.

Notification and Reporting of Contacts

To ensure compliance with the tracking and disclosure requirements of lobbying laws and regulations and the accuracy and completeness of responses to elected officials’ requests, it is important that employees notify the Office of Government and Community Relations before contacting elected officials.
Contract Lobbyists

All contracts for the procurement of services from professional lobbyists to act on behalf of NMMI must be approved by the Office of Government and Community Relations. The Director of the Office of Government and Community Relations serves as the contract owner and is responsible for managing all lobbying contracts in accordance with NMMI business policies.

Meetings with federal, state, or local lobbyists must be coordinated with the Office of Government and Community Relations, which can assist and support NMMI representatives on trips to advocate for support.

State Reporting Requirements

Any NMMI funds used for meetings or receptions with elected officials or similar events must be reported to the New Mexico Secretary of State. In order for NMMI to track the expenditures, these events must be coordinated through the Office of Government and Community Relations.

Personal Opinions Expressed to Federal, State, and Local Officials

While all members of NMMI community are free to express their political opinions and engage in political activities to whatever extent they wish, it is very important that they:

- do so only in their individual capacities;
- do not use NMMI resources; and
- avoid the appearance that they are speaking or acting on behalf of NMMI in political matters.

It can be difficult for members of the public, including reporters and legislators, to differentiate between an official NMMI position and a personal opinion; therefore, employees should take care to stipulate that the personal opinions expressed are their own and not necessarily those of NMMI. NMMI recognizes and approves of the right of free speech and expression of opinion on any subject by any member of NMMI community, whether the subject relates to on-campus or off-campus issues.

NMMI recognizes and approves the right of free speech and expression of opinion on any subject by any member of NMMI community, whether the subject relates to on- or off-campus issues. Those who speak or act shall do so in their personal capacities and not in the name of NMMI, unless there has been specific authorization by the administration to do so.
In order to assure its autonomy and integrity, NMMI shall not be an instrument of partisan political action. The expression of political opinions and viewpoints must clearly be those of the individual and not of NMMI.

This policy applies to faculty, staff, and Cadets and addresses the appropriate use of space and resources for political activity on all of NMMI’s campuses.

Definitions

For the purposes of this policy, "political activity" includes, without limitation, political campaigning, candidate speeches and visits, circulating petitions, distributing leaflets, canvassing for political candidates and issues, soliciting funds, and events such as rallies, assemblies, demonstrations, and speeches.

The definition of political activity is not intended to include the posting of political signs in employees’ private offices or cubicles. For certain limitations on the posting of signs, refer to the fifth paragraph of Sec. 4.

Examples of NMMI “resources” include, but are not limited to:

- NMMI’s name, logo, or other identifying marks
- funds, facilities, office supplies, photo equipment, letterhead, mailing lists, telephones, fax machines, copiers, and computers
- information technology such as email, websites, on-line discussion boards, and listservs

Voter Education

NMMI must avoid advocating for any issue and endorsing or opposing a candidate for public office, ballot initiative, or other public referendum. Without advocating for or against an issue, NMMI may provide educational information on general obligation bonds, severance taxes, or other NMMI-sanctioned priorities. The educational materials must be non-partisan. As an example, a pamphlet encouraging voters to vote in a general obligation bond election is acceptable, but telling voters to vote “yes” for the bond issue is not.

Limitations on Political Activities by Employees

When engaged in political activities, individuals and groups within NMMI may acknowledge their NMMI affiliations, but must clearly explain that they are speaking only for themselves and not stating a NMMI position. This is particularly important for NMMI leaders and others who in their official capacity frequently speak for NMMI.
Employees may not engage in political activities during work hours, or, except as noted below, use NMNI resources for engaging in political activities.

Outside of work hours, employees may use their NMNI email accounts for engaging in political activities consistent with the concept of “incidental personal use” in NMNI’s computer policies. However, any communication disseminated through NMNI email that could be construed as relating to political activity must include a clear statement that such communication represents the personal position of the author.

NMNI must remain non-partisan and may not endorse a candidate or a political referendum. Accordingly, employees must not post a hyperlink on a NMNI administered website to a candidate or campaign site. Moreover, if NMNI believes that a posting on a NMNI administered website creates the impression that NMNI has endorsed a candidate or a particular side of a public referendum, it may require that a disclaimer be posted on the site stating that the opinions expressed are attributed to the author and do not represent the views of NMNI.

No outward-facing political signs may be posted on the windows of private offices or cubicles, and no political signs may be posted on the exteriors of NMNI buildings or on NMNI grounds.

Campaign or other political material may not be distributed through campus mail unless it has been received by a federal post office and is properly postmarked.

**Serving as a Legislator**

NMNI employees may run for the state legislature. However, under New Mexico law, NMNI employees who are elected to the state legislature would be required to resign their positions with NMNI, or, if approved, take a leave of absence for the duration of their terms in the legislature.

**Polling Places**

When a NMNI facility is used as a polling place, state law prohibits campaigning within one hundred (100) feet of the door to the polling area during the hours that voting takes place, or as required by the entity conducting the election. A decision about whether to use NMNI as a polling place is made by the governmental authority holding the election, not NMNI.
Commercial Filming of Events

Requests for commercial filming or photographing of NMMI for political activities should be submitted to the NMMI Marketing and Communication Department Director.

Political Speeches on NMMI Property

As a public institution, NMMI respects the rights of political candidates, their representatives, and others to conduct political events on campus. Groups or individuals may rent facilities for speeches, debates, assemblies, and other events. Indoor facilities will be scheduled through normal procedures with the appropriate NMMI office that oversees that facility. The standard facility-use fee for the specific facility will be charged.

When a candidate is invited to speak as a political candidate at an official NMMI event, NMMI must ensure that:

- It provides an equal opportunity to participate to all political candidates seeking the same office;
- It does not include any support for or opposition to the candidate (this should be stated explicitly when the candidate is introduced and in communications concerning the candidate’s attendance); and
- No political fundraising occurs.

For assistance with political events on campus, contact these NMMI offices:

- Police Department to arrange for police and security services
- Parking and Transportation Services to arrange for adequate parking
- Office of Government and Community Relations and the Event Planning and Scheduling Office for general assistance

Public areas outside of NMMI buildings may be used for political activities provided the normal business of NMMI is not disrupted and entrances to and exits from buildings are not blocked or impeded. Outside areas for political events (such as rallies or speeches) will be scheduled through normal procedures through the Cadet Activities Center.

Distributing literature, canvassing, obtaining petition signatures, and similar activities, which generally are allowed outside NMMI buildings, need not be scheduled.

Political activities that involve fundraising, signing petitions, individual discussions with patrons, or other activities that slow pedestrian traffic are not permitted on the sidewalks. Political activities of this nature are permitted on the public sidewalks adjoining sidewalk areas such as Main Street and College Avenue.
Due to concern for congestion and interference with NMMI activities, political activity is not permitted inside of NMMI buildings, except for scheduled events where facilities have been rented.

References

NMSA 1978, §§ 2-1-3 and 2-1-4 (“Compensation as state officer or employee other than that received as a legislator prohibited”)

NMSA 1978, §§ 10-16-3.1 (“Prohibited Political Activities”)

6.24 Allocation and Assignment of Space

NMMI shall make the most efficient use of limited existing space to further its mission of education, and public service. Deans, directors, and department heads are responsible for making efficient, effective use of space assigned to them. NMMI uses a proactive, collaborative process for space planning and allocation. This process will strive to anticipate future needs and seek to reduce instances of functional mismatches between space characteristics and occupant needs. NMMI places high value on clustering activities to promote desirable interaction and user convenience. Space will be managed by the following space allocation committees in accordance with the guidelines and criteria listed in this policy.

Athletics Space Allocation

The Director of Athletics oversees the allocation and utilization of space owned or leased for use by the Athletic Department.

Space Allocation Decision Criteria

Functions or programs that address stated NMMI priorities and initiatives will be given priority over competing requests for space. To ensure NMMI provides the best teaching and learning opportunities and because of limited classroom and seminar space, no general classrooms or seminar rooms may be converted to any other use without first being reviewed by the. Space allocation decisions will be made on a case-by-case basis based on:

- centrality to NMMI’s mission, vision, and values;
- user productivity;
- cost;
- availability of funding;
- appropriateness of the size of the space for the need; and
• adequacy, location, and functionality of existing and proposed space allocations.

When there are multiple requests for new or existing unallocated space, allocation by a space allocation committee will be generally guided by the following utilization priority order:

1. instruction
2. library services
3. public service functions
4. institutional support services
5. Cadet government
6. other

**General Classroom Space**

Classroom space includes all areas used for instruction, including classrooms, lecture halls, labs, and seminar spaces. Instruction includes, but is not limited to, regularly scheduled lectures, labs, seminars, and community and professional outreach training programs. The Academic Dean or his/her designee is responsible for assigning general classroom space on the main campus. Departments with classrooms within their assigned space will have primary scheduling rights. Specialized class laboratories will be scheduled at the departmental level.

**Classroom Assignment**

Classes will be assigned to rooms with seating capacities which match the anticipated enrollment limit as nearly as possible. Departments with conference or seminar rooms that have acceptable access and are of appropriate size should request these facilities for classes that naturally lend themselves to a seminar format of delivery.

**Classroom Space Allocated to Departments**

Deans and directors who have classroom space allocated to them will notify the Office of departmental classroom allocations each semester. Allocation of classroom space is designed to provide the best teaching and learning opportunities to all Cadets at NMMI.

**Departmental Space**

Deans and directors will be responsible for the management of space allocated to their various departments and units. Deans and directors will notify the applicable space allocation committee of the following:
• When there is a change in the internal allocation of space from one (1) department to another department within their respective college.
• When the nature of the use of any space is changed.
• When assigned space is greater than the functional needs of a department or unit.

When the delineation or configuration of a space is to be changed by the installation or removal of partitions or walls or the relocation of doorways, the deans and directors will consult with the NMMI Facilities Department prior to starting such changes. This is required to assure that the space database of record and associated record drawings reflect the most accurate room numbers, space categories, allocations, and functional categories.

Prior to leasing out a departmental space, approval must be granted by the CFO as this may have an effect on the Building Renewal and Replacement eligibility of formula funded Instruction and General spaces.

Requests for Additions or Changes in Allocated Space

The applicable space allocation committee will accept and review requests for changes in space allocation and utilization throughout the year. Departments needing on campus space must submit a completed Space Request Form describing the need and reason for additional or new space to the Planning and Campus Development Office of Space Management which will present the request to the applicable space allocation committee. Departments needing space off campus must submit a request in accordance with Section 6 herein. Since some of the requested actions and the committee decisions will have financial implications, the committee will coordinate decisions with the capital budget planning process. Deans, directors, and department heads are encouraged to identify anticipated space need issues as part of the annual capital improvement projects planning process to assure consideration in the capital budget plan for the next year. Space requests will be initiated and reviewed as follows.

Accessibility

The Americans with Disabilities Act (ADA), a Federal civil rights law, requires NMMI to ensure access without discrimination on the basis of disability. Space allocation requests which may result in the compromise of this requirement must include funding, and designate the funding sources, for the work required to achieve compliance to the ADA. Work related to space allocation requests must not only comply with current national accessibility standards, but must also meet current NMMI accessibility standards which go beyond the national standards. In no case will an inaccessible circumstance be created nor an existing accessible circumstance be rendered inaccessible because of activities related to allocation or reallocation.
Space Allocation Committee

Space allocation committees should review the request and communicate their response to all parties impacted by the request and decision. The committee may decide to:

- approve the request;
- approve an alternative solution;
- approve the request subject to allocation of funds in the capital budget plan;
- request additional information before action is taken; or
- disapprove the request.

The committee, after approval of the request by the dean or director of any of the conditions stated herein, will send a Space Allocation Memorandum of Understanding outlining the allocation of space to the appropriate NMMI departments or units. These changes must also be reported to the Planning and Campus Development Office of Space Management for inclusion in and update of the New Mexico Higher Education Department (NMHED) Space Inventory.

Periodic Analysis of Existing Space Allocation

Each space allocation committee will periodically review the utilization, quantity, and quality of existing space allocations. These reviews should be done with reference to published NMMI space guidelines, and give due consideration to inefficiencies associated with the design, location, and condition of space. It may be desirable to coordinate these reviews with the NMHED program review or accreditation activity to minimize duplication of data collection efforts. Committees may, with approval of the applicable Tier One staff member, reallocate space, when appropriate, to promote efficient use of the limited space available. Each committee will review and render decisions concerning the allocation of space in the following circumstances:

New or Existing Unallocated Space

When space is provided by new construction, the subsequent vacation of existing facilities, or major renovation of existing facilities.

Conversion of Academic Space

When a general classroom, lecture hall, or seminar room is proposed for conversion to any other use.
Request for Additional Space

When deans or directors cannot resolve space issues among their departments or units or when the need for additional space is beyond their current space allocation.

Change of Space Allocation

When the allocation of space is proposed to be changed from one organizational unit to another unit.

6.25 Visitor Code of Conduct

It is important for all members of NMMI community to be aware of conduct that will lead to disciplinary action by NMMI. In order to clarify the types of conduct which shall be considered to affect adversely NMMI’s educational function, to disrupt community living on campus, or to interfere with the rights of others to pursue their education, to conduct their NMMI duties and responsibilities or to participate in NMMI activities, the Board of Regents hereby adopts the following Code of Conduct for visitors.

Scope

NMMI may take disciplinary action for an offense against the Visitor Code of Conduct when the offense occurs on NMMI premises, as part of a NMMI-sponsored event or in connection with NMMI activities. "Visitor" means a person who is not a Regent or a Cadet and is not employed by NMMI.

Matters Subject to Disciplinary Action

Appropriate disciplinary procedures and sanctions shall be applied to any visitor who commits, or attempts to commit, any of the following acts of misconduct:

- Actions which have great potential for physically harming the person or property of others, including that of NMMI, or which actually result in physical harm, or which cause reasonable apprehension of physical harm.
- Any type of sexual assault including rape.
- Making false representations to NMMI, including forgery and unauthorized alteration of documents; unauthorized use of any NMMI document or instrument of identification.
Substantially interfering with the freedom of expression, movement or activity of others.
Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency. Misusing or damaging fire safety equipment on NMMI premises.

Theft of property or of services. Possession of property that is known to be stolen.

Failure to comply with the lawful directions of NMMI officials, including campus police officers and other law enforcement officials, acting in performance of their duties.

Willfully refusing or failing to leave the property of or any building or other facility owned, operated, or controlled by NMMI when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of NMMI.

Unauthorized presence in or use of NMMI premises, facilities or property, in violation of posted signs, when closed, or after normal operating hours.

Illegal use, possession, or distribution of any controlled substance, illegal drug or alcohol.

Use or possession of fireworks, unless expressly authorized in writing by the President.

Use, possession or storage of any weapon unless expressly authorized in writing by the President or designee. Weapon includes, but is not limited to, firearms, ammunition, bombs, explosives, incendiary devices, or other dangerous weapons, substances or materials.

Misusing NMMI computing resources by intentionally making or receiving, accessing, altering, using, providing or in any way tampering with files, disks, programs, passwords or hardware belonging to other computer users without their permission.

Violation of published or posted NMMI regulations or policies.

Aid to others in committing or inciting others to commit any act mentioned above.
Action(s) or conduct which hinders, obstructs or otherwise interferes with the implementation or enforcement of the Code of Conduct.

Any other acts or omissions which affect adversely NMNI functions or NMNI-sponsored activities, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or otherwise affect adversely the processes of NMNI.

Violating the terms of any disciplinary sanction imposed in accordance with this Code.

**RIGHTS OF VISITORS IN DISCIPLINARY MATTERS**

Visitors’ rights under the state and federal constitutions are specifically acknowledged and affirmed, including the rights of freedom of speech, freedom of association, freedom of religion, and due process. The provisions of this Code of Conduct shall be construed so as not to infringe upon these rights, as those rights are defined by law.

**SANCTIONS**

Any person who violates any of the rules set forth in Section 2, shall be subject to warning (verbal or written), probation, denial of future NMNI employment or admission, removal from campus, arrest, or being barred from campus. Additionally or alternatively, any sanction applicable to a Cadet under the Cadet Code of Conduct may be provisionally applied to a visitor, to be made effective should the visitor ever enroll or re-enroll at NMNI.

As used in this subsection
- "Verbal warning" means an oral reprimand.
- "Written warning" means a written reprimand.
- "Probation" means the establishment of a time period during which further acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation.
- "Removal from campus" means being physically escorted or forcibly removed to a location off property owned or controlled by NMNI, by NMNI police officers or other NMNI agents.
- "Barred from campus" means being barred from all or designated portions of NMNI property or activities.

The sanctions of denial of admission, readmission, or employment by NMNI, or barring from campus, will be applied only after notice and an opportunity for an informal hearing before a NMNI officer appointed to review the matter by the President or his/her designee.
The sanction imposed shall be set based upon numerous factors, including the severity of the offense, the amount of harm created, the visitor’s record, and sanctions imposed in recent years for similar offenses. In considering the harm created, there shall be taken into account whether any harm or injury was targeted against a person or group because of that person or group’s race, color, religion, national origin, physical or mental handicap, age, sex, sexual preference, ancestry, or medical condition.

IMPLEMENTATION

The President of NMMI may adopt such procedures, rules or regulations as deemed necessary to implement this Code of Conduct.

6.26 Official NMMI Webpages

NMMI’s presence on the Web is an essential tool for fulfilling its mission. Administrative and academic units, faculty, staff, and Cadets are encouraged to take full advantage of Web technology as a medium for providing access to official information.

The contents of official NMMI webpages on NMMI servers, or on other servers funded by NMMI budgets, must comply with local, state, and federal laws and with NMMI policies. As the reputation and image of NMMI is determined, in part, by the quality of the information published on its websites, the information should be accurate, accessible, and consistent.

Though "websites" are a collection of "webpages," for the purpose of this policy these two distinct terms are used interchangeably.

Applicability

The requirements of this policy apply to all of NMMI’s official webpages, which are public-facing pages. Official webpages generally reside on NMMI's servers, but in some instances may reside on non-NMMI servers.

Staff, faculty, Cadets, and contractors authorized to develop official webpages for any administrative or academic unit of NMMI shall comply with the requirements of this policy.

Unofficial NMMI Webpages

Unofficial webpages residing on NMMI’s servers are outside the scope of this policy. Examples of unofficial webpages include:
- personal webpages of staff, faculty, and Cadets
- webpages for consortia, professional journals, or internal NMMI use
- instructional webpages and Web applications
- webpages of Cadet organizations

**Web Content Management System**

In order to help administrative and academic units comply with this policy, NMMI has obtained a site license for a [Web Content Management System (WCMS)](http://example.com), a free tool for use by NMMI community. Use of the WCMS simplifies the creation, maintenance, and control of Web content. It allows administrative and academic units to create their own webpages without reliance on outside consultants for assistance, and without acquiring programming skills or dedicated software. Use of the WCMS is not required.

**Requirements of the Web Standards**

To help promote accurate content and an accessible and consistent experience, NMMI has developed a set of Web Standards for official NMMI websites. Though the Web Standards are primarily guidelines, the Standards do contain several required elements. Administrative and academic units are expected to come into compliance with the requirements. The required elements of the Web Standards are described below.

**Logo, References, and Contact Information**

An approved NMMI logo must appear at the top of every official NMMI webpage. The words "NMMI" must appear in the HTML title tag and on the website's homepage. A link back to the NMMI homepage must be included on the pages of the site. A link to contact information for the department must appear on the home page, including an email address, phone number, and mailing address.

**Accessibility**

All websites are required to make reasonable efforts to comply with the standards for accessibility in Section 508, an amendment to the United States Workforce Rehabilitation Act of 1973.

**Domain Names**

All administrative and academic websites on NMMI's servers should use `nmmi.edu` domain names in the form
of xxxx.NMMI.edu or xxxx.yyyy.NMMI.edu. Domain names should accurately reflect the department, program, or activities to which they refer.

**Web Governance**

**Web Advisory Committee**

The Marketing / Communication Department (MarComm) works to improve communication and cooperation among the various NMMI entities charged with Web-related responsibilities. With broad representation from several units of NMMI, the MARCOMM is charged with:

- maintaining the integrity of NMMI's websites
- creating and recommending policies pertaining to NMMI's presence on the Web
- overseeing compliance with and reviewing requests for exceptions to the required elements of the Web Standards

**Manager of NMMI Web Communications**

The Manager of NMMI Web Communications and the associated team:

- help to implement the MARCOMM’s decisions
- provide guidance and support for policy and standard implementation
- assist campus entities in interpreting and adhering to standards

**NMMI Marketing & Communication Director**

The NMMI Marketing & Communication Director:

- establishes identity standards for NMMI's websites
- advises NMMI staff on marketing issues related to NMMI's websites

**Office of the Chief Information Officer**

The Chief Information Officer or designee:

- advises the MARCOMM on the tools and infrastructure appropriate to support NMMI's Web efforts and may also provide that infrastructure
- advises the MARCOMM on security and confidentiality issues related to Web content
Compliance with NMMI Web Standards

Consistent with related sections of this policy, the MARCOMM is authorized to require that administrative and academic units bring websites under their control into compliance with the required elements of the Web Standards. Continued failure to comply with the required elements of the Web Standards shall be reported to the cognizant Tier One staff member. Serious breaches involving security and legal issues may result in an immediate shutdown of a noncompliant site.

Administrative and academic units may have Web policies and standards specific to their websites that are more restrictive than NMMI's Web Standards.

6.27 Senate, Boards, Committees and Councils

The President / Superintendent authorizes and creates standing boards and committees by special order. They are considered permanent bodies of New Mexico Military Institute. Membership to these boards, committees and councils with the exception of the Faculty Senate, is by appointment by the appointing special order.

Special boards and committees are created by special orders which specify the membership and define the purpose of these boards and committees. Such boards and committees normally expire at the end of the academic year in which they were created, if not sooner.

Faculty Senate

The Board of Regents and the President/Superintendent of New Mexico Military Institute have authorized a Faculty Senate to be the officially constituted body to represent the Institute’s Faculty. The Senate functions through responsible standing and ad-hoc committees which it appoints from the academic staff and faculty at large. Their decisions and recommendations are subject to approval by the Faculty Senate, the recommendation of the Dean of Academics, and the approval of the President/Superintendent.

The Faculty Senate shall be composed of nine members elected from the full-time faculty who have earned academic or counselor rank and are contracted and employed by New Mexico Military Institute. No Senator shall serve successive terms.
Members of the Faculty Senate shall be elected for three-year terms with one-third being elected each year at a faculty meeting the first week in May.

Full-time faculty with academic or counselor rank and contracted and employed by New Mexico Military Institute are eligible to vote in Senate elections.

In the event that an unfilled term exists, the Chairman of the Faculty Senate shall call a general faculty meeting to elect a replacement for that term.

**Facility Senate and Curriculum and Standards Committee**

This committee makes recommendations to the Faculty Senate; specifically, it considers additions/deletions as well as any other changes to the curriculum. It also recommends academic requirements for admission and graduation.

Members:

- Vice Dean of Academics, Chair
- Division Chairs
- Chair of Faculty Senate

**Faculty Senate Liaison Library Committee**

The duties of the committee are threefold:

- To actively monitor faculty concerns about the Paul Horgan Library resources, policy, and services.
- To work with the director of the library in developing library policies which meet the needs of faculty, staff, and cadets.
- To advise and consult with the NMMI administration about:
  - The state of the Library: resources, services, and policy.
  - The Institute commitment necessary to assure that the Library adequately serves the teaching research, and public service missions of NMMI.
The committee functions on an academic year basis and meets as often as necessary to perform its duties.

**Inter-Disciplinary Review Board**

The purpose of an Inter-Disciplinary Review Board is to examine the progress of any cadet who has demonstrated a significant inability to meet NMMI standards.

Cadets are required to maintain a GPA of 2.00 in order to be considered in good academic standing. Any NMMI Cadet whose GPA falls below 1.50 at the end of a semester may be suspended. Any NMMI Cadet whose GPA falls below 1.75 at the end of a semester is placed on Academic Probation. The Cadet then has one more semester in which to attain a GPA of 1.75 or better. Failing to do so may result in academic suspension. An entering new Cadet whose GPA for the previous semester, or whose cumulative GPA for all secondary schooling does not meet the normal admissions criterion of 2.00 for college and at least 2.25 for high school may be admitted on academic probation (AP). Such a Cadet must attain a GPA of 1.75 in the first semester at NMMI. Failing to maintain a GPA of 1.75 the Cadet’s overall record will result in a cadet’s records meeting the Inter-Disciplinary Review Board following the end of each semester and Academic Suspension may result. For academic issues, the Inter-Disciplinary Review Board consists of:

- Vice Dean/High School Principal (Chair)
- Assistant Director of Physical Development
- Admissions Director
- Deputy Commandant for Operations
- SAC Representative
- Registrar
- Faculty Senate Representative
- Assistant Registrar (Non-Voting Member)

Cadets receiving an “F” in Deportment or Physical Readiness are subject to Suspension and/or Dismissal and will appear before an Interdisciplinary Review Board. Such a Board may meet at any time when, in the opinion of the Commandant or Director, Physical Development, a cadet has demonstrated a significant inability to meet NMMI standards. Cadets committing a Serious offense, as defined in the Blue Book may be subject to immediate Suspension or Dismissal and may not appear before an Interdisciplinary Review Board. All Cadets will be informed in writing of the nature of the charges or allegations that resulted in their not meeting the minimum Cadet Deportment and/or Physical Readiness standards and of the date and time of the Review Board meeting, if applicable. A Cadet will be given an opportunity to explain his/her version of the
incident/s that gave rise to the infraction or series of infractions that resulted in the Cadet not meeting the standards of acceptable Cadet behavior or not meeting the minimum physical readiness standards. The Review process will include a reasonable time for cadets to prepare their response, including the right to have an advisor or assistant of their choosing present, and the right to call witnesses or supply statements on their behalf; and if necessary, the cadet will be given an opportunity to cross examine witnesses. A written summary or record of the hearing will be made.

For deportment issues the Inter-Disciplinary Review Board consists of:

- Deputy Commandant for Operations (Chair)
- Admissions Director
- Vice Dean/High School Principal
- Assistant Director of Physical Development
- Cadet Counseling representative
- SAC representative
- Adjutant/Legal Advisor (Recorder)

For physical readiness issues the Inter-Disciplinary Review Board consists of:

- Assistant Director of Physical Development (Chair)
- Admissions Director
- Vice Dean/High School Principal
- Deputy Commandant for Operations
- Cadet Counseling representative
- SAC representative
- Adjutant/Legal Advisor (Recorder)

Decisions resulting in Suspension or Dismissal may be appealed to either the Dean, Commandant or Director of Physical Development respectively, whose decision is final.

Cadets must request their appeal in writing and the date and time of their appeal will be noted in a written response back to the Cadet. The appeal may be based on either the record or may be de novo, based on the option of the appellant. The appeal process should take place no more than 24 hours after the decision of the Inter-disciplinary Review Board, for deportment and physical readiness issues, and no more than three weeks for academic issues.

The Cadet can submit to the Superintendent written points or challenges to the process and a written decision on those points or challenges will be returned to the cadet within a reasonable time.
Cadet Honor Board

The Cadet Honor Board is a cadet-run board, comprised entirely of cadets to determine if a fellow cadet did or did not violate the Cadet Honor Code. The only permanent member of the board is the Cadet Honor Board Chairperson, who is the cadet responsible for the honor system at NMMI. However, the Honor Board Chairperson is a non-voting member of the board which is made up of 12 voting members equal to or higher in class to the cadet meeting the board. Cadets from the fourth through first class may and will sit as members if they have an “A” in deportment and a GPA of 2.5 or better.

Ad-hoc (non-voting/participating) members of the hearing are:

- Honor and Ethics Officer
- Adjutant/Legal Advisor
- Faculty Senate representative

Disciplinary Review Board

The purpose of a Disciplinary Review Board is to examine the Deportment grade of any cadet who has accumulated excessive demerits as specified in the “Cadet Blue Book.” Additionally the review board members have the responsibility to insure that the cadet in question is provided “Due Process” to include the opportunity to speak on his/her own behalf.

The Blue Book states that any cadet who accumulates excessive demerits (more than 80 demerits) will appear before a Major Discipline Board and as a result is subject to dismissal or suspension.

The Disciplinary Review Board is comprised of the following Staff/Faculty members:

Members:

- Commandant of Cadets, Chair
- Deputy Commandant of Operations
- Academic Dean *
- Associate Dean **
- Director of Counseling Services
- Director of Admissions
Non Voting Members:
Academic Advisor
Squadron Leadership Advisor

* The Academic Dean will be present if it is a college cadet.

** The Associate Dean will be present if it is a high school cadet.

**Medical Review Board**
Advises the President/Superintendent on policies and makes admission, re-admission and dismissal recommendations on individual cadets with medical issues.

Members:
- Chief of Staff, Chair
- Commandant of Cadets
- Vice Dean
- Director of Cadet Counseling Center/Chaplain
- Area SLA and/or TLA
- Infirmary Medical Provider at Infirmary (advisory only)

**NMIMI Promotion and Awards Board**

In keeping with the military’s effort to recognize significant achievement and qualifications, the President/ Superintendent has established a formal Promotion and Awards Board (PAB), to review and submit a list of proposed awards and promotions to the President/ Superintendent for consideration and final approval. The PAB shall review all recommendations for NMIMI military rank and awards. The PAB makes recommendations to the President/Superintendent who is then required to sign off via special orders prepared by the Chief of Staff for final approval.

PAB Members:
- Chief of Staff, Chair
- Dean of Academics
- Commandant
- Athletic Director
- CFO
Reviewing input from the Existing Promotion Boards for Faculty and Commandants Staff, the PAB would continue with the recommendations being reviewed and accepted prior to entire submission to the President/ Superintendent.

The Board recognizes the two types of promotions and awards:
- Fully Qualified – meets all qualifications which essentially are years of service.
- Best Qualified – Selection based on merit competitively determined.

For the circumstance of Fully Qualified awards, such as Faculty Promotion or Service Awards, the Board would not vote to accept, but rather to review for exceptions resulting in a decision to not promote or award. For the circumstance of Best Qualified promotions or awards, the Board will review and make a recommendation to the Superintendent. Each Award Citation will have specified language in order that all citations by Mission Elements are that same. The particular award formats are attached and will be included in an updated O&P. (Reference HR Policy manual). The PAB will meet annually, during the spring of each year in order that award or promotion actions may be executed with the May awards ceremony. In all cases, those approved for promotion or award by the President/ Superintendent will be affected by July 1 of the following year. A copy of each Promotion or Award will be kept as a matter of record in the individual’s personnel file.

**Admissions Appeal Board**

The NMMI Admissions Appeal Board considers applicants who have been denied admission to New Mexico Military Institute and wish to appeal.

The Director of Admissions or designee will initiate the appeal and provide the Board with the applicant’s admission file for their review.

The Admissions Appeal Board meets as required and is comprised of the following members:
- Chief of Staff, Chair
- Commandant of Cadets
- Dean of Academics
- Director of Athletics
- Director of Admissions, advocate

**Admissions Committee**
The purpose of the Admissions Committee is to make recommendations to the Director of Admissions concerning the admittance of prospective applicants sent to the Committee for review.

The Admissions Committee will consist of:

- Director of Admissions, Chairperson
- Vice Dean/High School Principal
- Assistant Director of Athletics
- Registrar
- One Cadet Assistance Center Representative
- One Faculty representative (an alternate should be available in the event the designated representative cannot make the meeting)

**Employee Compensation Committee**

In order to fulfill its mission, NMMI desires to maintain a compensation program that will attract, retain and motivate faculty and staff within the boundaries of financial feasibility through an equitable and transparent methodology. An effort will be made to recognize the relative values of the various jobs, to adapt realistic wage and salary ranges and to make comparative studies of area rates and changing job conditions to assure that the wage structure is current.

Committee Members:

Representatives may be re-appointed annually but continuity is desirable.

- CFO, Co-Chair
- Faculty Member, Co-Chair
- Faculty Member
- Athletic Representative
- Commandant Representative
- Employee Advisory Committee, President

Committee on Compensation shall:

On an ongoing basis, advise the President/Superintendent on all matters pertaining to compensation and benefits for NMMI employees to ensure that compensation and benefits policies, procedures, programs, and practices are fair, effective, clear,
comprehensible, transparent, accountable, and inspire the trust of the NMMI community and the public.

Assess NMMI’s progress in achieving the goals of obtaining, prioritizing, and directing funds to increase salaries to achieve market comparability for all groups of employees.

Undertake actions as necessary to carry out 1 and 2 above including:

- Conduct regular studies to examine the competitiveness of compensation for all categories of faculty and staff. Those factors may include, but not limited to, length of contract, contact hours, education, years of service, etc.
- Periodically perform an internal pay equity review in order to assess the fairness and appropriateness between similar job categories.
- Recommend the compensation of new positions considering all appropriate factors to include peer group comparables and fiscal resources.
- Act as a conduit for employees who allege inequities related to their individual salary by allowing employees to request a review of his or her compensation through their supervisor.
- Review and recommend salary increases that exceed, if funding allows for, the annual cost of living salary percentage increases.
- Establish wage and salary administration policies to include policies regarding:
  - Special salary adjustments due to attainment of related degrees or other similar significant achievement.
  - Appropriate Starting Salary range placement
  - Designation of levels or movement within ranges
  - Substitute, adjunct or overload compensation

Reporting Process

The employee compensation committee will issue a written report of its findings or recommendations to the President/Superintendent including any opposing opinions from the committee members

Fixed Asset Disposal Committee

Reviews and approves all dispositions of fixed assets and annually reviews and certifies accuracy of fixed asset inventory for Board of Regents.

Members:
Funk Excellence in Teaching Awards Selection Committee

The Funk Excellence in Teaching Awards (FEITA) Selection Committee has the responsibility of providing a rank order recommendation of nominees for FEITA’s to the Academic Dean for final decision with the approval of the President/Superintendent.

Two Funk Excellence in Teaching Awards (FEITA’s) are awarded each year. Awards are made by teaching divisions (Math/Science, Humanities, SocSci/BusAd), on an alternating basis by division. Each year qualified faculty from two of the three divisions may be nominated. (A schedule has been established to determine which divisions are eligible each year.)

Criteria for eligibility and details on the selection process are available in the Dean’s office. Selection for the honors usually occurs during the spring semester preceding the year in which the titles are held.

Funding for the FEITA’s was generously provided by Mr. Johnny Funk (NMMI class of ‘31 HS, ‘33 JC) to recognize excellence in teaching on the part of NMMI faculty. Faculty who are awarded a FEITA receive a monetary award and hold the title for one full year.

Members of the Committee are:

- Associate Dean, Chair
- 4 FEITA recipients from the previous two years

Loss Control Committee

Mandated under State of New Mexico General Services Division, Rule 91-703, State Loss Control Program, the Loss Control Committee is responsible for the identification of potential or actual loss situations and the implementation of strategies to prevent or manage loss as it relates to Worker’s Compensation, automobile liability, property damage, general liability, or other types of potential or actual liability covered under insurance programs.

The Loss Control Committee meets on a quarterly basis to review NMMI loss information to ensure adequate measures are being taken to prevent recurrence of the same or
similar losses. The Loss Control Committee establishes, evaluates and makes recommendations for improvement of loss control activities. Methods for review of the Loss Control plan include State of New Mexico Loss Control reports, audits and surveys, NMMI self-inspection reports, reports from the Safety Committee, loss and accident/incident investigations, and suggestions from faculty, staff, and cadets.

The loss control/NMMI Safety Officer represents NMMI at state loss control meetings and seminars.

The Loss Control Committee is represented by:

- Loss Control Coordinator: Director of Facilities, Chairperson
- Administration: Chief of Staff
- Business Office: CFO
- Campus Police: Chief of Police

A Safety Sub-Committee reviews campus safety for employees/cadets/visitors and makes recommendations to the Loss Control Committee.

The Safety Sub-Committee reviews the campus safe working and learning environments. The committee meets on a quarterly basis to ensure the safety program is enforced and effective. Methods for review of the safety program include State of New Mexico Loss Control reports, audits and surveys, NMMI self-inspection, accident investigations and suggestions from faculty, staff, cadets and visitors.

The Safety Sub-Committee sets priorities for safety program improvement recommendations to the Loss Control Committee.

The loss control/NMMI Safety Officer represents NMMI at state meetings and seminars.

The following represents the sub-committee:

- Loss Control Coordinator: Director of Facilities, Chairperson
- Loss Control/NMMI Safety Officer: Assistant Director of Facilities
- Administration: Chief of Staff
- Academics: Vice Dean/High School Principal
- NMMI Workman’s Compensation Representative: Accounting
- Campus Police: Chief of Police
- Commandant’s Office: Staff
Professorships/Chair Selection Committee

It is the responsibility of the Professorships/Chair Selection Committee to provide a rank order recommendation list to the Dean of Academics for President/Superintendent’s approval of those faculty members competing for the following:

- John F. Burton Chair
- John Peter Bogle Professorship in English
- John F. Burton Professorship for SAC and LRC
- John Funk Professorship in Business, Economics or Social Science
- Colonel Kost Professorship in Languages and Fine Arts
- Paul Mount-Campbell Professorship in Mathematics
- Roy F. Ward Professorship in Natural and Physical Science

The Burton Chair and professorships were established by donors to recognize faculty members for their professional performance. Faculty who receive the Burton Chair or a professorship receive a monitory award and hold the title for one year.

Information on the selection process is distributed to eligible faculty by the Dean’s Office. Selection for the honors usually occurs during the fall semester preceding the year in which the titles are held.

Members of the Committee are:

- Vice Dean, Chair
- Humanities Division Chairman
- Math/Science Division Chairman
- Social Science/Business Administration Division Chairman
- Cadet Assistance Center Division Chairman
- Health, Physical Education and Recreation Division Chairman
- Faculty Senate Chairman

Scholarship Committee

The purpose of the Scholarship Committee is to assure fair and impartial granting of all scholarships and awards within the guidelines established by the Board of Regents and in compliance with the conditions imposed by the donor, the Foundation, or the State of New Mexico.
The Scholarship Committee will consist of:

- Director of Admissions, Chair
- Dean of Academics or designee
- Commandant of Cadets or designee
- Professor of Military Science or designee
- Director of Athletics or designee
- Chief of Staff or designee
- Director of Alumni Relations
- Chief Executive Officer of New Mexico Military Institute Foundation, Inc.
- Director of Financial Aid
- Four (4) faculty members to include one representative from SAC appointed by the Faculty Senate

Available to sit with the Scholarship Committee, without vote, are the Scholarship Committee Secretary and Registrar.

**Technology Committee**

The Technology Committee is an advisory committee to discuss and make recommendations on technology issues at NMMI. The primary emphasis is on computer, network and telephone technologies.

Members:

- Director of Information Services, Chair
- Technology Coordinators of the teaching divisions
- Paul Horgan Library
- Business Office
- Cadet Advising and Counseling
- Athletics
- Facilities
- Graphic Arts
- Commandant’s Office
- Alumni
- Admissions

Meetings are held at least once a semester, but more often as needed.
Cadet Activities Council
The purpose of the Cadet Activities Council is to provide overall supervision and guidance to all organizations not under the specific control and supervision of the Director of Athletics. The Cadet Activities Council will allocate funds made available by the New Mexico Military Institute Foundation, Inc., New Mexico Military Institute Parent’s Club and funds provided by tuition/fees and will exercise overall supervision of each organization’s budget to insure that established budgets are not exceeded. The Chairman will approve any additional fund raising efforts by any organization.

Members:
- Commandant of Cadets or designee, Chair
- Chief of Staff or designee
- HPER/Director of Athletics or designee
- Professor of Military Science or designee
- Senior Army Instructor or designee
- President of NMMI Foundation, Inc. or designee
- Faculty Member appointed by Faculty Senate

Non-Voting Members:
- Internal Auditor
- Commandant’s Administrative Assistant, Recorder/Secretary
- Comptroller, Business Office
- Accountant, Business Office
- Every Club Sponsor
- Regimental Executive Officer

Employee Advisory Committee
Meets monthly to develop employee programs and activities promoting professional and personal growth and advancement. Represent staff in the planning of improved workplace conditions and other means of enhancing and promoting productivity. Facilitates communications among staff, faculty, and cadets. Provides a forum for the discussion of the general staff welfare. Provides a resource for participation in major decisions of NMMI as they affect NMMI staff. Maintains liaisons with officially recognized representative groups on campus.

Chair, elected annually by membership.
Members are elected by their respective departments for a two-year term.

Members:

- Athletic Department Representative
- Information Services Representative
- Commandant Representative
- Admissions Representative
- Academic Staff Representative
- Auxiliary Services Representative
- President/Superintendent Representative
- Business Office Representative

Ex-officio Members:

- Chief of Staff

7.0 Referenced Documents

Documents included as authorized and supported policy and procedures by reference in Appendix A, attached. The standing precedence of the documents shall be included as per the organization of the documents starting with the Governing Board of Regents Policy Manual. The OPR (Office of Primary Responsibility) for each subordinate document to the NMM O&P shall be approved by the NMMI President/ Superintendent. Any changes to those documents shall include approval by the President/ Superintendent and Governing Board when appropriate.

**Academic Dean Policies** (OPR – Dean of Academics)

**Faculty Senate Handbook** (OPR – President of the Faculty Senate)

**Course Catalogue** (OPR – Dean of Academics)

**Commandant Policies** (OPR – Commandant of Cadets)

- Additional Military Instruction
- Bates Hall Conduct
- Cadets Driving Golf Carts
- Cadet Duties and Responsibilities
Cadet Laundry Procedures
Cadet Parking
Cadet Rooms, Room Changes and Cadet Troop Transfers and Inspections
Cadet Waiters
Clearing Rooms/Summer Storage at the End of the year
Cadet Special Diet
Commanders Pins
Community Service Requests
Constabulary
Criteria for Selecting Cadet of the Month
CQ Duty and CQ Mount
Daily Room Inspection
Etiquette Dinners
External Organizations, Staff, Faculty, NMMI Contractors
First Sergeant/Sergeant Major Rank Sale
Flag Detail
Formations, Ceremonies and Inspections
Harry Morrison Competition
Holiday Decorations
Letters of Instruction
Management of Work Orders and Emergency Call Outs
NMMI Comprehensive Drug Program

NMMI Issued Smart Phones

NMMI Mail Room Policy

NMMI Range Operations

Procedures Governing Cadet Public Affairs Officer (PAO), PA Noncommissioned Officer in Charge (PANCOIC)/Photo Chief and Photo Squad

Procedures for Confiscating New Cadet Personal Items during the 21/28 day period

Procedure for Entering a Cadet Room

Regimental Color Guard

Regimental Flame Guard

Religious Events at NMMI

Sally Port Competition

School Sponsored Trips with Cadets

Selection of Matchin Award Winners

Tour Squad

Troop Leadership Advisor (TLA) Officer Operations Procedures

Uniform Wear Setup and Placement of Brass, Awards and Decorations

Wear of Civilian Clothes and Costumes on Post
Cadet Blue Book (OPR – Commandant of Cadets)

OLD CADET/NEW CADET SYSTEM, CORPS ORGANIZATION, AND CADET RANK

DAILY CORPS OPERATIONS, ACCOUNTABILITY, AND PRIVILEGES

PERSONAL GROOMING, UNIFORM GUIDE, AND ROOM STANDARDS & INSPECTIONS

CORPS OF CADETS DISCIPLINARY SYSTEM

CADET COMPLAINT POLICY

ADDITIONAL CADET REFERENCE MATERIAL (LISTED)

Cadet Honor Manual (OPR – Commandant of Cadets)

Violations of the Honor Code

Reporting Violations of the Honor Code

The Honor Board

Non-compliance with the Honor Code

Rising Honor Board

Green Book (OPR – Commandant of Cadets)

Wearing of the NMMI uniform

Authorized Uniform Accessories

Wearing of Insignia and Accouterments

Military Courtesies

Courtesies to the National Flag and the National Anthem

Human Resources Policies (OPR – Chief Financial Officer)
Employee Definition and Status
Employment Policies
Employment Practices
Standards of Conduct
Compensation and Benefit Policies
Time/Leave Policies
Other

Business Operations Policies (OPR – Chief Financial Officer)
General Ledger Accounting
Revenue, Cash Receipts, Federal Grants, Other Grants, and Contracts
Cash Management
Purchasing and Accounts Payable
Fixed Assets
Budgeting
Year-end closeout and audit
Travel and other items

Information Technologies Policies (OPR – Director of ITSC)

Social Media Policies (OPR – Director of ITSC)

Facilities Policies (OPR – Director of Facilities)

Objectives and Strategies
Functions and Responsibilities
Areas of Responsibilities
Planning and Assessment
Facility Design and Review Process
Maintenance Categories
Building Maintenance Standards
Work Control Process
Building Safety Inspection Program
Safety Program
Facility Operations Procedures
Facility Operational Issues
Transportation Services
NMNI Facilities Operations Guidelines for a campus-wide illness outbreak

Strategic Document Procedures and Policies (OPR – Dean of Academics)

Admissions Policies (OPR – Director of Admissions)

Methodology
Rationale
Standards
Waivers
Home-based or Non-public School Requirement
Vice-Dean Review
Admissions Committee

Admissions Appeal Committee

Expected Outcomes

Financial Aid Policies (OPR – Director of Financial Aid)

Operating Policies

Financial Aid Database

Financial Aid Reference Documents

Default Prevention Program

Confidentiality of Records

Automated Program Files

Student Consumer Information

Institutional Eligibility Requirements

Title IV Policies

Evaluation of New Programs

Awarding Process

Processing Student Aid Reports

Consortium Agreements

Federal/State Aid Programs

Treatment of Over Award

Professional Judgement Policy

Satisfactory Academic Progress

Audits and Program Reviews
Fraudulent Activities Policy

8.0 End of Document