

New Mexico State University Carlsbad

Annual Campus Safety and Security Report 2013-2014

Please file this report as a resource document to which you can refer throughout the year.

Note: Official copies of this report may be obtained at the Student Services Office on our campus.

Your safety on our campus is of the utmost concern to us. Please take the time to review this document and, in particular, suggestions on how to be safe on campus.

Please inform either of us of any safety concerns that you may have.


Sincerely,

Michael J. Cleary, Vice President for Student Services

Robert Keyes, Vice President for Business & Finance

New Mexico State University Carlsbad (NMSU Carlsbad) places a high priority on the personal safety of its students, faculty, staff, and visitors. Numerous people and resources on campus are dedicated to providing you with a safe learning and working environment.





The following report describes security practices and procedures at NMSU Carlsbad and lists crime statistics for the most recent calendar year. The University is required to report this information under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), formerly known as the Crime Awareness and Campus Security Act of 1990. Beginning with the 1992 report and each year thereafter, the University will disseminate information on the status of campus security to all current students and employees. Upon request, the report will be provided to any applicant for enrollment or employment.

This publication is intended to provide a general description of campus security arrangements and procedures which encourage accurate and prompt reporting of all crimes to the Carlsbad Police Department. Security procedures will be reviewed on an annual basis.

Emergency Numbers

Campus emergencies

- from on-campus: **911**
- from off-campus: **911**

Off-campus emergencies

- Ambulance: **911**
- Fire: **911**
- Carlsbad Police: **911**
- Eddy County Sheriff: **887-7551**
- Carlsbad Medical Center: **887-4100**



Emergency Notification System

Emergencies can happen when you least expect it. NMSU Carlsbad is committed to the safety of those who come to our campus to study, work or visit.

There are a number of potential emergency situations that might occur. These include natural disasters (such as floods, tornados, earthquakes, extreme heat or cold, lightning, disease, outbreaks, etc.) and manmade incidents (including traffic accidents, hazardous chemical releases, downed electrical lines, collapsed bridges, criminal activity, terrorism, arson, etc.). It is important to be informed about different emergencies that can happen and to have a plan.

NMSU Alerts

In the event of an emergency, the Emergency Notification System will provide messages via phone, text and email. All students, faculty and staff can manage their own contact information and choose the contact methods they prefer.

Signing up for NMSU alerts allows you to receive information regarding a crisis.

- **Sign up now for NMSU Alerts** at <https://myaccount.nmsu.edu/accounts/etm/index.php>

Status of Campus Safety

NMSU Carlsbad campus is relatively safe. Murder, non-negligent manslaughter, and rape have not occurred on campus.

Crime Statistics

Uniform Crime Report (UCR) is a program of City, County and State Agency crime statistic Contribution. This program provides a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the county.

Crimes	<u>2012</u>	<u>2011</u>	<u>2010</u>
Homicide:			
• Murder and non-negligent manslaughter	0	0	0
• Negligent manslaughter	0	0	0
Sex Offenses:			
• Forcible	0	0	0
• Non-forcible	0	0	0
Robbery	0	0	0
Aggravated assault	1	0	0
Burglary	0	1	1
Motor vehicle theft	0	0	0
Arson	0	0	0
Arrests for:			
• Liquor law violations	0	0	0
• Drug law violations	0	0	0
• Illegal weapons possession	0	0	0
Hate Crimes:			
• Larceny-theft	0	0	0
• Simple assault	1	1	0
• Intimidation	0	0	0

Crimes (cont'd)	<u>2012</u>	<u>2011</u>	<u>2010</u>
Hate Crimes: (cont'd)			
• Destruction/damage/vandalism of property	0	0	0

Campus Security - A Shared Responsibility

A campus community is one that relies on a peaceful, safe, and secure environment. Preserving this environment is a responsibility everyone on campus must share. Members of the campus community are asked to be aware of and adhere to the policies described in this report and to be familiar with the nature of crime on campus.

Being realistic about our risks is especially important. Believing we are safe from harm may give us peace of mind, but even communities with relatively low crime rates can experience increases in the number and seriousness of crimes. We each must make an effort to minimize opportunities for criminals and rely on ourselves and each other for our personal safety.

You also may obtain information about crime on campus by attending crime-prevention programming sponsored by the Associated Students of NMSU Carlsbad (ASNMSU Carlsbad), Criminal Justice Club and Student Services.

Do YOUR part to make our campus a SAFE place!

- **BE ALERT** for suspicious characters, dangerous situations
- **BE CAUTIOUS** so you won't become a crime statistic
- **PROTECT YOURSELF**--be on guard all the time
- **WATCH** for suspicious characters or dangerous situations

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- **BE SECURITY-CONSCIOUS**--watch out for others and their property

IF YOU DRIVE A CAR

- **DRIVE** with doors locked and windows rolled up.
- **LOCK** doors and trunk when parking. Take your keys.
- **STORE** valuables in a locked trunk. Or, take them with you.
- **PARK** in well-lit areas.


WHEN YOU'RE WALKING

- **DON'T WALK ALONE** - get a friend or classmate to go with you --especially at night.
- **USE PUBLIC WALKWAYS** - walk on well-lit paths. Avoid shortcuts and dark or isolated spots.
- **WOMEN** should take extra precautions - **DRESS FOR FREEDOM OF MOVEMENT** -- no long confining skirts, clogs, platform shoes, easy-to-grab capes, etc.
- **KEEP PURSE** tucked closely under your arm. Don't overload yourself with bundles.
- **BE RESPONSIBLE** - report all crimes (actual, attempted or suspected) to police or campus officials.

How to Report a Crime or Emergency

To report a crime or an emergency on campus, call the Carlsbad Police Department at **911**. Carlsbad officers will respond to all reports of crime and emergencies. Prompt reporting of crimes greatly improves campus security and safety.

Crime reports can be made at any time. Carlsbad Police Department is open and police services are available 24 hours a



day, 365 days a year. Priority is given to reports of incidents that threaten the life or safety of people, the security of property, and the peace of the community.

Reports can be made in person at the Police Department or by phone by dialing:

- **911**(from on or off campus) for emergency help
- **885-2111** for non-emergencies

CALL THE CARLSBAD POLICE DEPARTMENT IF:

- someone is injured or ill;
- you see fire or smell smoke;
- you see anything suspicious;
- someone is hurting someone else;
- you see someone stealing something;
- you think you see an intoxicated or otherwise impaired person driving or on campus.

Call quickly. Don't assume someone else has made the call. Try to provide the police dispatcher with accurate, detailed information about the problem. Stay on the line until the dispatcher says it's OK to hang up. The dispatcher will relay information to emergency responders who are on the way to the scene.

If you are reporting a medical emergency, ask someone to monitor the victim's conditions so you can relay this information over the phone to the dispatcher. Carlsbad Police Department dispatchers



are certified in Emergency Medical Dispatching and can provide valuable advice about how to administer first aid to a victim.

To report an emergency from a cell or campus phone on campus, dial **911**. The call is free. Calling 911 puts the caller in touch with the Carlsbad Police Department.


If any other emergency situation arises, i.e., injury, fire, etc. don't hesitate to call 911 immediately for assistance.

After calling the authorities and reporting the incident, please call one of the following administrators:

- **Dr. John Gratton** President 234-9210 (office);
706-0335 (cell)
- **Dr. Vincent Beach** Vice President for
Academic Affairs 234-9215 (office);
(304)-731-9926(cell)
- **Mr. Robert Keyes** Vice President for
Business & Finance 234-9216 (office);
(847)-477-8249 (cell)
- **Mr. Michael Cleary** Vice President for
Student Services 234-9220 (office);
200-8840 (cell)

Code of Conduct

The Office of the Vice President for Student Affairs, as delegated by the President of the University, establishes and enforces standards of conduct for NMSU Carlsbad students. Under the provisions of the "**Code of Conduct**," the University expects students to maintain standards of personal integrity and discipline that are in harmony with the educational goals of the institution; to be in compliance with all local, state and federal laws and University regulations; and to respect the rights, privileges, and property of other people. These standards of




conduct and the established disciplinary procedures for alleged violations of these standards are published in the latter pages of The Student Handbook. The University has effective policies that prohibit possession or consumption of alcohol on campus and strong disciplinary sanctions for sexual misconduct. Disciplinary actions range from a formal warning to expulsion from the University. Students charged with law violations may expect to have the matter handled both through the criminal justice system and the University disciplinary process. ALL infractions of the "**Code of Conduct**" should be reported as soon as possible to the Vice President for Student Services.

Access to Campus Facilities

Access to Academic buildings

If you encounter an individual(s) that appear to be without a legitimate reason for being on campus, then approach them and inquire as to whether they are a student, what their purpose is for being on campus and request to see a photo ID. If the individual(s) refuse to comply with your request then ask them to leave and inform them that if they do not leave within 10 minutes that the police will be called and they will be charged with trespassing. If they do not leave, call the police by dialing **9-911** from a campus phone or **911** from a cell phone and report the incident. The local police have assured us that we can count on their speedy response.

Most campus buildings and facilities are accessible to members of the campus community, guests, and visitors during normal business hours Monday through Friday, excluding holidays.




Certain facilities also may be open for designated hours on Saturdays and Sundays during the Weekend College sessions.

Exterior doors on campus buildings are locked and secured each evening by custodians. There are some exceptions, as when a faculty asks that doors be left open to allow access for evening classes. On weekends, doors can be open at specific times to accommodate special events (i.e. concerts, recitals). Computer labs have flexible hours. To find out when labs are open, students should check with the department that oversees the lab.

Campus Prohibited Access Policy

The following individuals may be prohibited from entering upon land or buildings owned or used by the Regents of New Mexico State University, its colleges, departments, branches, experiment stations, ranches, and all property owned or occupied by agencies supervised by the Regents:

- Persons charged with criminal acts against the Regents or NMSU students or employees during the pendency of such criminal charges.
- Persons found guilty by a court of competent jurisdiction of criminal acts against the Regents or NMSU students or employees.
- Any individual whose presence on campus constitutes a clear and present danger to the persons, property, or peace of the Regents, or NMSU students, employees or agents (contractors).
- Any individual whose presence on campus, given all attendant circumstances, could reasonably cause injury




against the persons or property of the Regents or NMSU students or employees.

- Any individual ordered withdrawn under the Medical/Psychiatric Withdrawal Policy of the University.

In order to be prohibited from use of University lands and buildings, individuals must be notified in writing of the prohibition by the Vice President for Student Services/Dean of Students or a designee. Notice may be made personally or by certified mail. Individuals so notified shall be immediately barred, subject to the right to request a hearing within three (3) days of the service of notification or within six (6) days of the date of mailing the certified letter. Extension of time will be given to the next business day for any day that occurs on a weekend or a holiday as established by NMSU Carlsbad.

Appeals shall be made by giving a written notice to the office of the President of intent to appeal. Hearing on the appeal shall be within seven (7) days from the receipt of the notice of appeal. Neither the individual prohibited nor the University shall be represented at the hearing by legal counsel. The hearing need not conform to the strict rules of legal evidence. In the event that the President or his/her designee reverses the prohibition, the individual shall be immediately entitled to enter upon University land or property. In the event that the President or his/her designee affirms the decision, the individual's prohibition shall continue. The decision of the President or his/her designee is final.

Under most circumstances, prohibitions under this policy will be for one year or less. When the prohibition is indefinite, the affected individual may petition for the removal of the



prohibition after one calendar year by submitting a written request to the Vice President for Student Services/Dean of Students. With respect to individuals convicted of criminal acts against the University, its students, or employees, the one year shall commence to run at the time the individual is released from incarceration resulting from the conviction.


Any violation of such prohibition may result in legal action by the Regents against the individual, including such criminal charges as may be appropriate under the circumstances, including criminal trespass.

Maintenance and Security of Campus Facilities

Exterior lighting is an important part of the University's commitment to campus safety and security during nighttime. On a regular basis, problems with exterior lighting on campus are reported by the Maintenance Department to the Coordinator of Facilities Management. Periodically, a comprehensive survey of all exterior lighting is conducted by Maintenance employees and other campus representatives.

Custodians from the Maintenance Department report problems with doors, windows, and security hardware daily to the Coordinator of Facilities Management.

Shrubbery, trees, and other vegetation on campus are trimmed on a regular basis. The personnel annually survey campus grounds to ensure that landscaping designs take safety into consideration. Parking lots and other areas around building are patrolled by Carlsbad Police and campus staff.




The Maintenance Department, in addition to maintaining the grounds and buildings, becomes involved with designing, landscaping, and lighting buildings and open spaces on campus. In recent years one goal has been to create a safe and aesthetically pleasing physical environment.


The Facilities & Instructional Operations Committee is a body of faculty, staff, and students that serves in an advisory capacity. The objectives of the committee are to establish safety policies to prevent personal injury/death and to eliminate or reduce all hazards to the health and well-being of NMSU Carlsbad students, personnel, and/or physical resources. Each administrative unit within the University is charged with the responsibility for establishing safety procedures and criteria within its own areas. All employees are advised that they have personal responsibility for safe work performance.

Security Awareness and Crime Prevention Programs

A community and its police must do more than simply react to crime. It is important to look for opportunities to detect crime. NMSU Carlsbad provides the following services and programs to improve safety on campus and to educate the community about safety issues:

- **Annual Campus Safety and Security Report** - A comprehensive report of crime statistics and security practices and procedures under the provisions of the Clery Act, is published each year and widely distributed. Available to the media and any member of the campus community, the report includes a breakdown of violent and nonviolent types of crime.

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- **New Student Orientation** - Crime prevention materials are provided and questions are answered for new students and parents attending freshman orientation and transfer students orientations throughout the year.
 - **Campus Building Security** - Every evening, personnel check the doors to assure the building is secure.
 - **Crime Prevention Programming** - Numerous crime prevention presentations are given each year upon request to Student Services, ASNMSU Carlsbad or Criminal Justice Club. Audiences are educated about how to reduce their risks (i.e. rape prevention) and how to defend themselves. They are encouraged to report crimes.
 - **Facilities Surveys** - Security surveys of campus buildings are conducted. Examinations of exterior lighting, exterior doors, shrubbery, trees, and landscaping are periodically conducted.
 - **Printed Crime Prevention Materials** - Brochures and posters related to substance abuse, personal safety, and seat belt use are widely distributed, along with information about motor vehicle and bicycle theft prevention. Office security is distributed at crime-prevention presentations and is available to students, university personnel, and guests upon request.
 - **Operation Identification** - NMSU Carlsbad encourages students to mark valuables with serial or owner-recognized numbers and to record these and descriptions of valuables on duplicate forms. This program is an excellent aid for the recovery of stolen property.

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- **Information and Lost and Found Desk** - An office for lost and found property is maintained in the Business Office, Room 108, (234-9200, ext. 217 or 218). All lost property in buildings and locations throughout the campus is collected by this office so that items can be returned to their rightful owners.

EMERGENCY NOTICES, TIMELY WARNINGS, AND ALERTS

When there are major incidents or emergencies that affect a large number of people and that present an immediate threat to health or safety, NMSU will issue advisories, alerts, or warnings as appropriate and as long as doing so will not impede the public safety response or further endanger lives. These are generally issued by the NMSU Police Department at the direction of the Incident Commander or the Emergency Dispatcher, and usually involve the following steps:

Confirmation of Significant Emergency or Dangerous

Situation: Based on the information received from callers, observations on scene, training, and protocol, the Incident Commander or other appropriate person will make a decision as to whether or not there is an actual emergency that presents an immediate threat to the health or safety of students or employees taking place on campus. If the decision is made that such a condition exists, the Incident Commander may initiate emergency notifications of the appropriate segment(s) of the campus in danger.

Determination of Affected Location: The Incident Commander will utilize information available to determine the people/area in immediate danger, as well as the best method of notifying them of the danger.




Determination of Content of Notification and Activation:

The content of the emergency notification will depend on the method(s) of notification selected. For example, if the decision is made that activation of a fire alarm is the most appropriate way to warn occupants of a building of a fire, the "content" of the immediate message will be limited to the audible and visual alarm annunciators in the building. If the decision is made to send a text message, the content will usually involve an indication there is an emergency (usually the word "emergency"), the location of the emergency (often a building name), the nature of the emergency (e.g., "fire), and the immediate steps the recipient should take (such as "avoid area"). Other methods of notification may involve use of public address systems, face-to-face contact, outdoor warning sirens, on-vehicle sirens, e-mails, etc. Some of these may be activated by responders on scene, while others may be activated by the Incident Commander or an Emergency Dispatcher.

The following is a description of the main types of "whole campus" notifications sent to the public regarding public safety:


Advisory: This is a general notice that there is a condition that exists (or will exist) that may affect a large number of people. It is issued primarily to assist the public in avoiding inconvenient situations, such as road construction that may result in traffic delays or road closures where re-routing will be necessary. Advisories may be issued by a number of departments on campus, though the Office of Facilities and Services takes the lead on road construction issues, with the NMSU Police Department often handling remaining issues. Advisories are most



often sent out via e-mail to the campus community, as well as to the news media in the area.

Alert: This is a more urgent notice that something serious has happened that people need to know, and where specific action should be taken to avoid danger. Alerts are most often used to notify the public of a significant crime that has taken place where the suspect is at large and is believed to present an ongoing safety threat to the community. The NMSU Police Department handles the issuing of alerts, which are most often sent out via e-mail to the campus community, as well as to news media in the area. If circumstances warrant, alerts may also be conducted via door-to-door notifications in residential areas, distribution of flyers or posters, or other means deemed appropriate by police officials. The NMSU Police also work with other law enforcement agencies to encourage them to provide notice of incidents that might affect the university community so alerts can be sent in a timely manner.

Warning: This is the most immediate type of notice, indicating that there is a situation that is currently taking place that may present a danger to the public. These are usually sent via the university's Emergency Notification System, which is a combination of short message service (SMS) text messaging, telephone calls, and e-mail notices. Warnings are sent by the NMSU Police Department, and will generally include: 1) an indication there is an emergency; 2) the location of the emergency; 3) the nature of the emergency; and 4) direction on what to do. In order to make the system work as fast as possible, these messages are necessarily kept very brief. Additional, more detailed information regarding the emergency will be posted on




the university's website (www.nmsu.edu). On-scene direction from public safety personnel, media releases, update e-mails, and other forms of communication may also be used as appropriate. Participation in the ENS is mandatory for all students and employees at NMSU, with e-mail being the default notification. In order to receive text messages and phone calls, the student or employee must register the appropriate contact information at <http://emergency.nmsu.edu>.

NMSU strives to issue Warnings without delay, taking into account the safety of the community. The final decision on whether to issue one of the above notices, and the information contained therein, rests with the NMSU Chief of Police. The Chief (or his designee) may make the decision not to issue a notice if the situation is deemed not to warrant one, or if doing so might compromise efforts to assist victims or might otherwise hamper the ability of public safety personnel to respond to and contain the incident.

EMERGENCY EXERCISES AND DRILLS

NMSU conducts a variety of exercises, drills, and training related to public safety and emergency management throughout the year. These include tests of fire alarms, evacuations, active shooter drills, tabletop exercises, and full scale exercises. These involve select facilities throughout the year based on training and exercise priorities established by the university administration and relevant department heads. Students and employees are involved in some, but not all of these activities.

Each September, NMSU conducts a number of drills that may be announced or unannounced for a given facility. This gives students



and employees an opportunity to hear and respond to alarms in the same manner they might in the event of an actual emergency.


In addition to the exercises and drills, NMSU also tests the Emergency Notification System at least once each year near the beginning of the Fall semester. This is an announced test, with messages being sent via voice, text, and e-mail. This annual test provides students and employees the opportunity to confirm they are receiving messages in the manner expected. It also provides university administrators a chance to verify the system is working appropriately.

Sexual Assault and Misconduct

The issue of sexual assault and other sexual misconduct is at the forefront in universities nationwide. NMSU has a specific policy prohibiting sexual misconduct and will assist victims in seeking counseling, changing room assignments, making academic changes, and in any other way possible (including criminal prosecution if the victim so desires). Students, faculty and staff, and visitors are reminded that they can contact Student Services Office for assistance at any time, and do not have to file an official police report in order to be helped.

Sexual Harassment

What is Sexual Harassment? Sexual harassment may be any unwanted sexual conduct or attention in the employment or academic setting which may cause a hostile or offensive environment. The verbal or physical conduct must be of a sexual nature to constitute sexual harassment.



It is the policy of New Mexico State University to provide an atmosphere free of sexual harassment for all faculty, staff, and students.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature may constitute sexual harassment when:


- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or grade;
- Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting such individual;
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment; or,
- Such conduct has an adverse impact on students' educational pursuits.

A full description of the Sexual Harassment policy is available at the Campus President Office at NMSU Carlsbad.

University Policies and Programs Concerning Alcohol and Other Drugs

Consumption or possession of alcoholic beverages or illegal drugs is prohibited on the campus of NMSU.

In compliance with the Drug-Free Schools and Communities Act, this section of the Annual Campus Safety and Security Report refers the reader to New Mexico State University's drug policies




and programs contained in the "Discipline Related Policies and Procedures" section of the Student Handbook. This document summarizes the educational programs, policy on alcohol, penalties and sanctions that may be imposed for violation of local, state, and federal laws controlling drugs and alcohol.

The list of controlled substances and their uses and effects (which may be found at 21 U.S.C. 812 and 21 Code of Federal Regulations (C.F.R.) are also included in the *Student Handbook*.

Alcohol

Alcohol is a general depressant that slows down functioning of the brain and central nervous system. It may produce anesthesia, coma, respiratory depression, and/or death at dosage levels 10 times greater than those producing mild effects.

- **Low dose** three ounces of 80-proof whiskey or equivalent (0.05 percent blood-alcohol level) typically produces feelings of relaxation and well-being, increased talkativeness, and reduced reflex reactions, including impairment of driving skills.
- **Moderate dose:** six ounces (0.10 percent blood-alcohol level) produces slurred speech, poor coordination, impaired judgment, reduced inhibitions, decreased emotional control, and a six-fold increase in driving accidents and fatalities.
- **High dose:** nine ounces (0.15 percent blood-alcohol level) results in gross intoxication, with clearly impaired gait, problems in thinking and memory, distorted judgment, emotional instability, and heightened aggression. A doubling of dose beyond this level can result in coma and death via respiratory depression.



Alcohol carries a high risk of psychological and physiological dependence with regular or sustained use. Tolerance develops to depressant effects, and withdrawal symptoms occur within a few hours of a single episode of acute intoxication.

Common short-term hazards arise from faulty judgment, lack of coordination, emotional instability, and increased aggressiveness. Other dangers include risk of death by overdose (via alcohol alone or in combination with other drugs), irreversible damage to body tissue (brain, liver, pancreas, kidneys), and nutritional deficiencies accompanying long-term use.

Research has shown that even small amounts of alcohol can harm an unborn baby, and moderate ingestion of alcohol can be a factor in lowered birth weight, pre-maturity, miscarriage, or stillbirth. Fetal Alcohol Syndrome (FAS) is a group of birth defects that can ensue from heavy drinking during pregnancy. Any one or more of the following defects may occur:

- malformations of the heart, urinary system, genitals, and the skeleton;
- central nervous system abnormalities such as poor motor coordination, hyperactivity, poor muscle tone, abnormal brain development, or mental retardation;
- growth deficiencies in both weight and length before and after birth;
- distinctive facial features like short upturned nose, short eyelid fissures, a thin upturned upper lip, no groove between the nose and upper lip, and impaired growth of the jaws.

FAS is the third primary cause of mental retardation existing at birth.



Sources:

Irwin, Samuel, PH.D., *Drugs of Abuse: An Introduction to Their Actions and Potential Hazards*, D.I.N. Publications, 7th Ed., 1986.

Tobias, Joyce M., R.N., *Kids and Drugs: A Handbook for Parents and Professionals*, Panda Press, 1st Ed., 1986.

Firearms

The possession and carrying of firearms, loaded or unloaded, is prohibited on all lands under the control of the Board of Regents, New Mexico State University, except in the following cases: certified New Mexico Peace Officers engaged in the official performance of their assigned duties; approved University experiments and/or projects; transporting of firearms to and from a place of storage; ROTC, under the direction of the Dean of the College of Arts and Sciences; and other approved academic use. All requests, exceptions, and interpretations of this policy will be managed by the Chief of Police. The decision of the Chief of Police may be appealed to the Vice President for Human and Physical Resources. The decision of the Vice President for Human and Physical Resources in these matters shall be final.

Definitions of Reported Crimes

The Clery Act requires that universities report those crimes that are classified by the FBI Uniformed Crime Report as murder and non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations and illegal weapons possession. The UCR definitions for these crimes are listed below.



Criminal Homicide - Murder and non-negligent manslaughter

The willful (non-negligent) killing of one human being by another.

Criminal Homicide - Negligent manslaughter

The killing of another person through gross negligence.


Sex Offenses - Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.



Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses - Non-forcible

Unlawful, non-forcible sexual intercourse.

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

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


Registered Sex Offenders

We are required by law to inform you where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained.

The State of New Mexico Department of Public Safety maintains a website for accessing this information. The web address is <http://www.nmsexoffender.dps.state.nm.us/>.

Robbery

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



In New Mexico, the crime of robbery is a type of "forceful" larceny and consist of the theft of anything of value from the person of another or from the immediate control of another, by use or threatened use of force or violence. First, second and third degree robbery are included for the UCR statistics, (NMSA, 30-16-2, 1978 Revised).

Aggravated Assault


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

In New Mexico, for purposes of aggravated assault under UCR, the crime of aggravated battery is used, which is a third degree felony. Traditionally, New Mexico considers the battering of a person more severe than an assault (which is basically placing one in fear). Therefore, NMSU 30-3-5 on aggravated battery is more in line with the FBI-UCR classification of aggravated assault.

Burglary

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

In New Mexico, burglary is considered a {class of larceny} and is a third degree felony. For the purposes of the UCR program in



New Mexico, aggravated burglary is a second degree felony. Aggravated burglary is when the burglar is armed with a deadly weapon.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

Arson


Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Illegal Weapons Possession

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

Hate Crimes

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. **Bias** is a preformed negative opinion or attitude toward a group of persons



based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

Drug Law Violations

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.