

**SENATE OF THE ASSOCIATED STUDENTS
OF NEW MEXICO STATE UNIVERSITY**

**COMMITTEE OF THE WHOLE SUBSTITUTE
FOR RESOLUTION #19**

SIXTY-FOURTH SENATE

2020-2021

Introduced by:	<u>Lopez, Beker, Frisch</u>	Date: <u>04/06/2021</u>
Referred to:	<u>Committee of the Whole</u>	Date: <u>04/22/2021</u>
Senate Action:	<u>FR</u>	Date: <u>04/22/2021</u>
Date Signed:	_____	

LXIV-20-21

A RESOLUTION

1 CONCERNING THE PRIORITY PLACED ON SEXUAL ASSAULT AT NEW MEXICO STATE
2 UNIVERSITY.

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4 WHEREAS, The Associated Students of New Mexico State University is an agent to the safety of students
5 at New Mexico State University (NMSU); and

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7 WHEREAS, Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in
8 education programs that are funded federally. Discrimination on the basis of sex includes sexual assault;
9 and

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11 WHEREAS, The NMSU Office of Institutional Equity (OIE) serves as a neutral and independent
12 investigatory unit for complaints regarding Title IX and sexual assault on campus or involving persons
13 affiliated with NMSU; and

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15 WHEREAS, under Title IX law it is the responsibility of NMSU to take prompt and effective steps to end
16 sexual misconduct and prevent its re-occurrence; and

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18 WHEREAS, OIE has supplied nameless data of Sexual Assault II: Non-Consensual Sexual Contact and
19 Sexual Assault I: Non-Consensual Sexual Intercourse cases that have gone through their office dating from
20 April of 2014 to October of 2020. This information includes contact date, determination, supportive
21 measures, to what department the case was directed to, penalties/sanctions, and closure date; and

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23 WHEREAS, nineteen (19) cases were determined with positive findings of the basis of harm during this
24 period. Of these, thirteen (13) were referred to the Dean of Students Office, and six (6) were referred to
25 Human Resource Services for decision on sanctions and penalties to the respondent; and

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27 WHEREAS, the sanctions placed by Human Resource Services were resignation and policy violation in the
28 respondent's personnel file (2 cases), permanent disqualification (2 cases), written reprimand (1 case), and
29 memo of counseling (1 case); and

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31 WHEREAS, of the cases sent to Dean of Students Office for sanctions and penalties, five (5) cases have no
32 sanctions to date. Five (5) case respondents received a year of deferred suspension where some of these
33 included the completion of an Online Consent and respect course. Two (2) case sanctions placed a hold on
34 the respondent's account and one (1) case sanction was a two (2) year suspension period with consent
35 training; and

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37 WHEREAS, the number of case respondents that have not received sanctions to this date through the Dean
38 of Students office shows that NMSU has not been handling sexual assault cases in a prompt manner; and
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40 WHEREAS, according to the Administrative Rules and Procedures (ARP) section 5.25- SSCC
41 Consequences for Violation, the use of a deferred suspension for students is “appropriate when, but for
42 **mitigating** circumstances, the misconduct would have resulted in a suspension for a defined period of
43 time.”; and

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45 WHEREAS, sexual assault and harassment is in no way a mitigating circumstance; and

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47 WHEREAS, according to the Administrative Rules and Procedures (ARP) section 5.25- SSCC
48 Consequences for Violation, it is possible for student respondents who have violated the SSCC to be
49 penalized with (among others) Restricted NMSU Privileges or Activities, No Contact Directive, Change or
50 Revocation of Housing Assignment, Suspension, Dismissal, **and/or** Withholding or Revocation of
51 Academic Award; and

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53 WHEREAS, the number of case respondents that have received a deferred suspension through the Dean of
54 Student’s office shows that NMSU does not handle sexual assault cases in an effective manner.

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56 THEREFORE BE IT RESOLVED by the Senate of the Associated Students of New Mexico State University that with the
57 newly placed revisions to the Title IX law, sexual assault and harassment on campus or involving persons affiliated with
58 NMSU be handled with higher priority to avoid future problems.

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60 BE IT FURTHER RESOLVED that the Senate of the Associated Students of New Mexico State University urges the office
61 of the Dean of Students to issue sanctions for the remaining five (5) cases which have not received sanctions to this date.

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63 BE IT FURTHER RESOLVED that the Dean of Students Office and Human Resource Services use the understanding of the
64 severity of sexual assault and harassment and the understanding of how sexual assault and harassment hinders the safety and
65 education of the NMSU campus community and the complainant when making decisions of prompt, proper and effective
66 sanctions towards respondents.

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68 BE IT FURTHER RESOLVED that copies of this resolution be sent to The Dean of Students, The Office of Institutional
69 Equity, Human Resource Services, The ASNMSU President, The ASNMSU Vice President, The Vice President of Student
70 Success, The NMSU Provost, The NMSU President, and The NMSU Chancellor.