



5.23 – SSCC Interim Measures v080519



arp.nmsu.edu/5-23

Depending upon the allegations and circumstances, Interim Measures (supportive or protective) may be imposed, affecting one or multiple parties to an SSCC proceeding. The imposition of an Interim Measure is not an indication of responsibility for a violation of the SSCC, nor a substitute for a Sanction. Interim Measures may remain in effect after the conclusion of a student conduct case.

A. Nature of Interim Measure:

1. Supportive or protective measures are instituted through the Office of Institutional Equity in coordination with the NMSU Title IX Coordinator, or designee, in response to allegations of sexual harassment, sexual assault, sexual misconduct, or any other form of protected class discrimination. The Dean of Students may also initiate an Interim Measure in a Title IX matter consistent with Section D. below.
2. Protective measures (e.g. No Contact Orders) are instituted through the Dean of Students, or other authorized NMSU officials, in response to direct threats to the health, safety or welfare of a student or other member of the NMSU community (See ARP 16.21 – No Trespass Directive – Restricted Campus Access).

B. Examples of Interim Measures:

1. referrals to counseling or other service/resources;
2. extensions of time and other course-related adjustments;
3. modification to work or class schedules, including authorized leaves of absence;
4. campus escort services;
5. restrictions on contact between the individuals;
6. No Trespass Directive (See ARP 16.21);
7. other directives restricting activities on campus, changes in dining or housing arrangements;
8. increased security and monitoring of certain areas of campus; and
9. other similar accommodations.

- C. **Purpose and Timeframe:** Interim Measures support students affected by alleged violations of the SSCC, or provide for the safety and protection of members of the NMSU Community. To ensure that an Interim Measure remains necessary and effective, Interim Measures should be reassessed periodically.

- D. **Initiation of Interim Measure:** An Interim Measure may be requested by any concerned person or university official, including the involved party or the Case Administrator.
1. Requests should be directed to the Dean of Students, except in conduct cases alleging unlawful discrimination (e.g. Title IX), in which case they should be directed to the Office of Institutional Equity.
 - a. If the Dean of Students receives a request for Interim Measure relating to a Title IX or involving protected class discrimination, the Dean of Students (or community college vice president for student success) will immediately contact OIE, and may issue an Interim Measure, if appropriate, to remain in place until OIE either confirms or modifies the Interim Measures.
 - b. The parties affected by an Interim Measure will be notified about the imposition of an Interim Measure as soon as possible.
 - c. When imposing Interim Measures, NMSU will strive to minimize any negative impact on the affected student's education.
 - d. To address any hardship that may result from imposition of an Interim Measure, a person subject to an Interim Measure may request reconsideration and/or modification of its terms and conditions by submitting a written petition to the vice president of student success. The scope of the review of the petition is limited to any hardship created by the Interim Measure, and should specify the relief being sought (e.g. actions requested to mitigate the hardship). The petition and the resulting decision will not address the merits of the underlying SSCC conduct case.
- E. **Termination of Interim Measure:** An Interim Measure remains in place until expiration of a period specified in the written Notice, or until modified by the office that instituted the measure if no termination date was indicated (based on either periodic monitoring by the issuing office), or upon the decision of the vice president for student success following a hardship review.

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[NOTE: following A and B were moved out of ARP 5.20 Definitions to here:]

A. Nature of Interim Measure:

1. Supportive or protective measures are instituted through the Office of Institutional Equity in coordination with the NMSU Title IX Coordinator, or designee, in response to allegations of sexual harassment, sexual assault, sexual misconduct, or any other form of protected class discrimination. The Dean of Students may also initiate an Interim Measure in a Title IX matter consistent with Section D. below.
2. Protective measures (e.g. No Contact Orders) are instituted through the Dean of Students, or other authorized NMSU officials, in response to direct threats to the health, safety or welfare of a student or other member of the NMSU community (See ARP 16.21 – No Trespass Directive – Restricted Campus Access).

B. Examples of Interim Measures:

1. referrals to counseling or other service/resources;
2. extensions of time and other course-related adjustments;
3. modification to work or class schedules, including authorized leaves of absence;
4. campus escort services;
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7. other directives restricting activities on campus, changes in dining or housing arrangements;
8. increased security and monitoring of certain areas of campus; and
9. other similar accommodations.

A.C. Purpose and Timeframe: Interim Measures support students affected by alleged violations of the SSCC, or provide for the safety and protection of members of the NMSU Community. To ensure that an Interim Measure remains necessary and effective, Interim Measures ~~are~~ should be reassessed periodically ~~to ensure that they continue to be necessary and effective based on the students' evolving needs.~~

B.D. Initiation of Interim Measure: An Interim Measure may be requested by any concerned person or university official, including the involved party to or the SSCC conduct case, a Case Administrator, the Police.

1. Department or any person. Except in cases governed by Title IX regulations or involving allegations of discrimination, requests Requests should be directed to the Dean of Students, except in conduct cases alleging unlawful discrimination (e.g. Title IX), in which case they should be directed to the Office of Institutional Equity.

a. If the Dean of Students receives a request relates for Interim Measure relating to allegations of sexual harassment, stalking, dating or domestic violence, sexual assault or other claim arising under a Title IX, or involving protected class discrimination, the Dean of Students (or community college vice president for student success) will immediately contact OIE, and may issue an Interim Measure, if appropriate, to remain in place until OIE either confirms or modifies the Interim Measures. Affected individuals are notified about the imposition of an Interim Measure as soon as possible.

b. **Hardship Review:** The parties affected by an Interim Measure will be notified about the imposition of an Interim Measure as soon as possible.

c. When imposing Interim Measures, NMSU will strive to minimize any negative impact on the affected student's education.

d. To address any hardship that may result from imposition of an Interim Measure, a person subject to an Interim Measure may request reconsideration and/or modification of its terms and conditions by submitting a written petition to the vice president of student success. The scope of the review of the petition is limited to any hardship created by the Interim Measure, and should specify the relief being sought (e.g. actions requested to mitigate the hardship). The petition and the resulting decision will not address the merits of the underlying SSCC conduct case.

D.E. Termination of Interim Measure: An Interim Measure remains in place until expiration of a period specified in the written Notice, or until modified by the office that instituted the measure if no termination date was indicated (based on either periodic monitoring by the issuing office), or upon the decision of the vice president for student success following a hardship review.