

## 16.12 – Clery Act Compliance v120819

### PART 1: PURPOSE

This rule provides guidance for the NMSU Campuses relating to the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) of 1990, as amended (See 20 U.S.C. §1092 (f) and 34 C.F.R. 668.46).

This rule also authorizes the creation of the Clery Act Compliance Advisory Committee as a University Board (See <https://rpm.nmsu.edu/2-30/>), to be constituted by the chancellor, consisting of representatives from each campus, whose day-to-day operations are guided by Clery Act compliance obligations. The advisory committee will facilitate the exchange of information and provide support to all campuses required to file an Annual Security Report. It will also examine current Clery Act best practices and make recommendations to enhance inter-campus and intra-campus communication and coordination pertaining to compliance with the Clery Act.

### PART 2: DEFINITIONS

- A. **Campus:** A building(s) or property owned or controlled by NMSU, reasonably contiguous to one another, which directly support or relate to NMSU’s educational purposes.
- B. **Campus Security Authority (CSA):** A specific term used in the Clery Act generally encompassing the following: 1) Police and security personnel; 2) others who are responsible for campus security but are not police or security personnel; 3) individuals to whom NMSU directs students and employees to report crimes; and 4) officials with significant responsibility for student and campus activities. *See Part 7 below.*
- C. **Clery Crime:** Clery Crimes or “crimes” include four general categories of crime statistics:
  - 1. Criminal Offenses (primary crimes): criminal homicide including murder and non-negligent manslaughter; manslaughter by negligence; sexual assault (sex offenses) including: rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.
  - 2. VAWA Offenses: Any incidents of domestic violence, dating violence and stalking (Note: sexual assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes).
  - 3. Arrests and Referrals for Disciplinary Action for: carrying/possessing weapons or other violation of state law; drug abuse violations and liquor law violations.
  - 4. Hate Crimes: Any of the above-mentioned offenses, as well as incidents of larceny, theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
- D. **Clery Geography:** The geographical areas for which each NMSU campus must log and report crime statistics: 1) on its campus; 2) on public property within, or immediately adjacent to, the campus; and 3) in non-campus buildings or on non-NMSU property owned or controlled by NMSU.

- E. **Emergency Notification:** A warning given, triggered by any event currently occurring or that imminently threatens the health or safety of students and employees, including significant emergencies and dangerous situations.
- F. **Timely Warning:** A warning given, triggered by a Clery Crime reported (to a Campus Security Authority or to law enforcement) to have occurred within the campus' Clery Geography, which NMSU considers to represent a serious or ongoing threat to students or employees.

### **PART 3: SAFETY EDUCATION**

- A. **Safety Education of Students:** The offices of the Dean of Students and Institutional Equity will coordinate with the campus presidents and their respective departments to institute safety education programs for students as follows:
  - 1. **Incoming Students:** Incoming students will be provided information about dating violence, domestic violence, sexual assault, and stalking, to include bystander intervention tips.
  - 2. **All Continuing Students:** Safety programs and information will be made available on an ongoing basis for students.
- B. **Safety Education of New Employees:** Human Resource Services is responsible for ensuring all new employees receive information on availability of safety programs, how to report emergencies, how to report crimes (including reporting domestic violence, dating violence, sexual assault, and stalking to the Title IX Coordinator), and the university's emergency notification system.

### **PART 4: UNLAWFUL POSSESSION, USE OR DISTRIBUTION OF ALCOHOL**

NMSU strictly prohibits the unlawful possession, use, or distribution of alcohol. (*See ARP 5.22 B.; ARP 16.60 Parts 3-5*) The NMSU Police Department enforces state liquor laws and criminal law violations, and the offices of Dean of Students and Human Resource Services, respectively, enforce policy violations relating to alcohol by students and employees.

### **PART 5: POSSESSION, USE OR DISTRIBUTION OF ILLICIT DRUGS**

NMSU strictly prohibits the unlawful possession, use, or distribution of illicit drugs. (*See ARP 16.65*) The NMSU Police Department or local police jurisdiction enforces state criminal laws, and coordinates with other agencies for the enforcement of federal laws to prevent and address the possession, use and distribution of illicit drugs on university property. The offices of the Dean of Students and Human Resource Services, respectively, enforce policy violations regarding illicit drugs by students and employees.

### **PART 6: AUTHORITY TO INSTITUTE DEPARTMENTAL SECURITY PRACTICES**

- A. **Security of Housing Facilities:** NMSU Housing and Residential Life is responsible for and authorized to institute security policies and procedures for its department.
- B. **Security of Other Campus Facilities:** Facilities and Services, and the equivalent at the community colleges, are responsible for and authorized to institute security policies and procedures for their respective departments, to include access control and coordinating

locking/unlocking schedules, for all non-residential facilities excluding the Physical Science Laboratory and the NMSU Police Department, which maintain independent security protocols due to external regulatory requirements. Facilities and Services is also responsible for, and authorized to, establish security practices for facility maintenance and construction.

## **PART 7: DESIGNATION AND DUTIES OF CAMPUS SECURITY AUTHORITIES**

**A. Campus Security Authority (CSA) Designation:** The following NMSU employees or contractors serving in the positions listed below are hereby designated as Campus Security Authorities (CSA's):

1. Police Officers
2. Emergency Dispatchers
3. Security Officers and others assigned to monitor or control access to NMSU property
4. Victim Advocates
5. Housing & Residence Life staff
6. Dean of Students staff
7. Director of Campus Activities
8. Coordinator of Fraternity and Sorority Life
9. Advisors to student organizations
10. Title IX Coordinator and OIE staff
11. Director of Athletics
12. Athletic Department coaches (including assistants and graduate assistants)
13. Director of the Aggie Health Center
14. Chief Audit Officer
15. Other individuals who have responsibility for campus security or significant authority for students or campus activities will be designated as a CSA (e.g. faculty for FLiP's).

**B. CSA Duties:** CSA designated personnel must report allegations or information relating to a Clery Crime that other individuals report to them, as well as any other emergency situation, to the NMSU Police Department. Individuals with CSA duties are not by virtue of their CSA role authorized to investigate or apprehend an alleged perpetrator, nor to persuade the alleged victim to file a police report.

**C. CSA Training:**

1. The Clery Act Compliance Advisory Committee will review and provide feedback regarding any Clery training proposed for the various constituents of the university community.
2. The NMSU Police Department in collaboration with the Title IX Coordinator, will facilitate training for CSA personnel, to assist them in understanding which crimes require reporting for purposes of Clery Act compliance and how to perform their CSA responsibilities.
3. Maintenance and storage of CSA training records will be coordinated between the NMSU Police Department and Human Resource Services-Center for Learning and Professional Development.

## **PART 8: REPORTING OF CRIMES AND EMERGENCIES**

Students, faculty, staff, and guests are encouraged to assist anyone experiencing an emergency or victim of a crime that they may encounter, and to report promptly any emergencies or crimes they witness or experience, as follows:

- A. **All Emergencies (police, fire, medical):** To report an emergency, community members should call 911. NMSU maintains a full public safety answering point (PSAP, or 911 Emergency Dispatch Center) that works in conjunction with others in the area to appropriately route calls and send emergency assistance.
- B. **Emergency Notifications and Timely Warnings:** Any person who thinks an emergency notification or timely warning is needed should immediately contact the NMSU Police Department (either 911 or (575) 646-3311).
- C. **All Crimes:** All suspected or witnessed crimes on the Las Cruces campus should be reported to the NMSU Police Department (Emergencies – 911; Non-emergencies – 646-3311)
- D. **Domestic Violence, Dating Violence, Sexual Assault, and Stalking:** Even if a victim chooses not to report this type of crime to the NMSU Police Department or local law enforcement agency with jurisdiction, these crimes must be reported by the CSA's and responsible employees to the university's Title IX Coordinator, pursuant to ARP 3.25 or be reported in accordance with 16.78.

## **PART 9: TIMELY WARNINGS AND OTHER EMERGENCY NOTIFICATIONS**

- A. NMSU utilizes a system to broadcast Timely Warning and Emergency Notifications and periodic updates using multiple media (text, phone, email and TV monitors in university buildings) to all persons with a MyNMSU account (based on the receipt options they have selected).
- B. Students and employees should register their current cell phone information to receive Timely Warnings and other Emergency Notifications, as well as the contact information for other individuals they wish to also receive these notifications in event of emergency. (*See [www.mynmsu.edu](http://www.mynmsu.edu) and ARP 16.11 – Emergency Notification System*, for additional information on the NMSU emergency notification system.)
- C. The NMSU Police Department will collaborate with other involved departments (e.g. OIE) to evaluate the facts and context necessary to determine the need, if any, to issue a Timely Warning or other Emergency Notification for the protection of the university community, consistent with the department's operational guidance developed with the concurrence of the Clery Act Compliance Advisory Committee.

## **PART 10: EVACUATION OF FACILITIES**

In an emergency, the incident commander (*See ARP 16.01; ARP 16.10*) will order the evacuation of any facility deemed appropriate in order to protect life. NMSU faculty, staff, and students are

expected to evacuate facilities as indicated by building alarms, subject to pursuit of a reasonably prudent alternative necessary to protect themselves in the face of more imminent danger.

## **PART 11: MONITORING OFF CAMPUS CRIMINAL ACTIVITY**

- A. NMSU does not routinely monitor criminal activity or law enforcement actions taking place off campus and outside the control of the Board of Regents. Individuals interested in finding out about off campus crime should contact the appropriate law enforcement agency with jurisdiction.
- B. Once each year, the NMSU Police Department will request law enforcement statistics for Clery Crimes from those outside law enforcement agencies/departments with jurisdiction over some or all of the university's Clery Geography, including but not limited to off campus properties owned or controlled by chartered student organization. The statistics provided by these outside law enforcement agencies/departments will be included in appropriate campus' Annual Security Report.

## **PART 12: CLERY MONITORING, CRIME LOG, AND ANNUAL SECURITY REPORT**

- A. **Monitoring for Clery Compliance:** On behalf of NMSU, the Police Department monitors the NMSU system entities for compliance with the Clery Act and related university policies. Policy infractions or inconsistencies in reporting will result in required training. Lack of cooperation, and repeated or flagrant violations, will be reported to the relevant campus president, for internal investigation in conjunction with Human Resource Services – Employee and Labor Relations, and may subject the responsible official to disciplinary corrective action.
- B. **Maintenance of Crime Log and Clery Crime Statistics:**
  - 1. The NMSU Police Department, and each community college with a designated security officer will maintain a public log of all criminal incidents and alleged criminal incidents reported to them.
    - a. The log will include the nature, date, time and general location of each crime and disposition of the complainant (within the past 60 days), if known.
    - b. Information must be readily available within two business days from date of request.
    - c. Crime logs must be maintained for seven years, and for at least three years following the publication of the most recent amendment of any annual security report. (Historical daily crime logs can be viewed online at <https://www.nmsupolice.com/crime-statistics/>.)
  - 2. The NMSU officials responsible for submitting Annual Security Reports (NMSU Police Department and community college security official(s)) will also maintain Clery Crime statistics consistent with the Clery Act and corresponding regulations.
    - a. These officials are encouraged to coordinate with Facilities and Services to identify the buildings and properties within each of these categories to assist with proper reporting.
    - b. Crimes occurring outside of the campus' Clery Geography are not to be included in the Clery Act statistics, even if students or employees are involved.

### C. Issuance of Annual Security Report:

1. By October 1 of each year, the NMSU Police Department will publish and distribute to current and prospective students and employees an Annual Security Report for the [contiguous] Las Cruces and DACC Espina Campuses (joint report), and a separate Annual Security Report for the Albuquerque Center campus.
2. The presidents of the other NMSU campuses will ensure that their campus' Annual Security Report is published and distributed for their campus by October 1 of each year.
3. Each Annual Security Report will provide Clery Crime statistics for the prior three years, policy statements about safety and security measures, and procedures applicable to the investigation and prosecution of alleged sex offenses.
4. Notice of each NMSU Annual Security Report will be timely sent, and a URL posted for electronic access, with instructions for obtaining a paper copy, if desired.

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#### Details

**Scope:** NMSU System

**Source:** ARP Administrative Rules and Procedures Chapter 16 | Safety and Risk Management

**Rule Administrator:** [Campus Presidents](#), [NMSU Police Chief](#)

**Last Updated:** 10/01/2019

#### Related

##### Cross-References:

[The Handbook for Campus Safety and Security Reporting](#)

[RPM 2.30 University Boards](#)

##### Revision History:

aa/bb//cccc Amendments approved by Chancellor

10/01/2019 Adopted by provisional authority of Chancellor

## 16.12 – Clery Act Compliance ~~v100119~~v120819

### PART 1: PURPOSE

This rule, ~~enacted provisionally by the authority of~~ provides guidance for the NMSU System chancellor, ~~is~~ Campuses relating to document the established practices of NMSU pertaining to compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) of 1990, as amended (See 20 U.S.C. §1092 (f) and 34 C.F.R. 668.46). ~~This rule is based upon the university's past practices, and is not intended to prescribe future policy positions. (For further information on the requirements of the Clery Act, see <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.)~~

This rule also authorizes the creation of ~~a university board~~ the Clery Act Compliance Advisory Committee as a University Board (See ~~<https://rpm.nmsu.edu/2-30/>~~ which shall consist), to be constituted by the chancellor, consisting of ~~those university stakeholders~~ representatives from each campus, whose day-to-day operations ~~should be~~ are guided by ~~the university's ongoing~~ Clery Act compliance obligations. The ~~new university board~~ advisory committee will be named by the chancellor, ~~will be representative of~~ facilitate the NMSU system, with members appointed by each campus president exchange of information and the chancellor. ~~Among other tasks that may be assigned to it by the chancellor, the campus presidents and the Police Chief, this university board will provide support to all campuses required to file an Annual Security Report. It will also examine current Clery Act best practices and make recommendations to enhance inter-campus and intra-campus communication and coordination pertaining to compliance with the Clery Act.~~

### PART 2: DEFINITIONS

A. **Campus:** A building(s) or property owned or controlled by NMSU, reasonably contiguous to one another, which directly support or relate to NMSU's educational purposes.

B. **Campus Security Authority (CSA):** A specific term used in the Clery Act generally encompassing the following: 1) Police and security personnel; 2) others who are responsible for campus security but are not police or security personnel; 3) individuals to whom NMSU directs students and employees to report crimes; and 4) officials with significant responsibility for student and campus activities. See Part 7 below.

A.C. **Clery Crime:** Clery Crimes or "crimes" ~~as used in this rule~~ include four general categories of crime statistics:

1. Criminal Offenses (~~aka~~ primary crimes): criminal homicide including murder and non-negligent manslaughter; manslaughter by negligence; sexual assault (~~aka~~ sex offenses) including: rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.
2. VAWA Offenses: Any incidents of domestic violence, dating violence and stalking (Note: sexual assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes).

3. Arrests and Referrals for Disciplinary Action for: carrying/possessing weapons or other violation of state law; drug abuse violations and liquor law violations.
4. Hate Crimes: Any of the above-mentioned offenses, as well as incidents of larceny, theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.

~~B. Clery Geography: The geographical areas for which Clery Crimes must be logged and included in statistical reports required by the Clery Act include the three general areas listed below. Crimes that do not occur within Clery Act geography are not included in the Clery Act each NMSU campus must log and report crime statistics, even if students or employees are involved. The NMSU officials responsible for submitting Annual Security Reports are encouraged to make a list of the buildings and properties that are within each of these categories to assist with proper reporting.~~

- ~~1. Crimes that happen: 1) on its campus;~~
- ~~2. Crimes that happen 2) on public property within, or immediately adjacent to, the campus; and~~

~~B-D. Crimes 3) in non-campus buildings or on non-NMSU buildings or property that owned or controlled by NMSU owns or controls (e.g. leases).~~

~~E. Emergency Notification: A warning given, triggered by any event currently occurring or that imminently threatens the health or safety of students and employees, including significant emergencies and dangerous situations.~~

~~F. Timely Warning: A warning given, triggered by a Clery Crime reported (to a Campus Security Authority or to law enforcement) to have occurred within the campus' Clery Geography, which NMSU considers to represent a serious or ongoing threat to students or employees.~~

### PART 3: SAFETY EDUCATION

A. **Safety Education of Students:** ~~The offices of the Dean of Students and the Title IX Coordinator are jointly responsible for instituting Institutional Equity will coordinate with the campus presidents and their respective departments to institute safety education programs (in conjunction with any appropriate university departments and resources) for students as follows:~~

1. ~~All-Incoming Students: All incoming Incoming~~ students will be provided ~~awareness~~ information ~~on about~~ dating violence, domestic violence, sexual assault, and stalking, to include bystander intervention tips.
2. All Continuing Students: Safety programs and information will be made available on an ongoing basis for students.

B. **Safety Education of New Employees:** ~~The Human Resources office Resource Services~~ is responsible for ensuring all new employees receive information on availability of safety programs, how to report emergencies, how to report crimes (including reporting domestic violence, dating violence, sexual assault, and stalking to the Title IX Coordinator), and the university's emergency notification system.

#### **PART 4: ~~UNLAWFUL POSSESSION~~ UNLAWFUL POSSESSION, USE OR DISTRIBUTION OF ALCOHOL**

NMSU strictly prohibits the unlawful possession, use, or distribution of alcohol. (*See ARP 5.22 B.; ARP 16.60 Parts 3-5*) The NMSU Police Department enforces state liquor laws and criminal law violations, and the ~~dean offices~~ of ~~students~~ Dean of Students and ~~human resource services~~ Human Resource Services, respectively, enforce policy violations ~~regarding~~ relating to alcohol by students and employees ~~(respectively)~~.

#### **PART 5: POSSESSION, USE OR DISTRIBUTION OF ILLICIT DRUGS**

NMSU strictly prohibits the unlawful possession, use, or distribution of illicit drugs. (*See ARP 16.65*) The NMSU Police Department ~~is authorized to enforce~~ or local police jurisdiction enforces state criminal laws, and ~~to coordinate~~ coordinates with other agencies for the enforcement of federal laws to prevent and address the possession, use and distribution of illicit drugs on university property. The ~~offices of the~~ Dean of Students and ~~the Human Resources offices regularly~~ Resource Services, respectively, enforce policy violations regarding illicit drugs by students and employees ~~(respectively)~~.

#### **PART 6: AUTHORITY TO INSTITUTE DEPARTMENTAL SECURITY PRACTICES**

- A. **Security of Housing Facilities:** NMSU Housing and Residential Life is responsible for and authorized to institute security policies and procedures for its department.
- B. **Security of Other Campus Facilities:** Facilities and Services ~~is, and the equivalent at the~~ community colleges, are responsible for and authorized to institute security policies and procedures for ~~its department~~ their respective departments, to include access control and coordinating locking/unlocking schedules, for all non-residential facilities ~~except for~~ excluding the Physical Science Laboratory and the NMSU Police Department, which maintain independent security protocols due to external regulatory requirements. Facilities and Services is also responsible for, and authorized to, establish security practices for facility maintenance and construction.

#### **PART 7: DESIGNATION AND DUTIES OF CAMPUS SECURITY AUTHORITIES**

- A. **Campus Security Authority (CSA) Designation:** The following NMSU employees or contractors serving in the positions listed below are hereby designated as Campus Security Authorities (CSA's):
  - 1. Police Officers
  - 2. Emergency Dispatchers
  - 3. Security Officers and others assigned to monitor or control access to NMSU property
  - 4. Victim Advocates
  - 5. Housing & Residence Life staff
  - 6. Dean of Students staff
  - 7. Director of Campus Activities
  - 8. Coordinator of ~~Greek Affairs~~ Fraternity and Sorority Life
  - 9. Advisors to student organizations
  - 10. Title IX Coordinator and OIE staff

11. Director of Athletics
12. Athletic Department coaches (including assistants and graduate assistants)
13. Director of the Aggie Health Center
14. Chief Audit Officer
15. Other individuals who have responsibility for campus security or significant authority for students or campus activities will be designated as a CSA (e.g. faculty for FLiP's).

B. **CSA Duties:** ~~The primary duty of CSA designated~~ personnel ~~designated is to report to the NMSU Police Department any allegation~~ must report allegations or information ~~about relating to~~ a Clery Crime ~~reported that other individuals report~~ to them ~~or, as well as~~ any other emergency situation. It is, to the NMSU Police Department. Individuals with CSA duties are not within the CSA's authority by virtue of their CSA role authorized to investigate, to or apprehend an alleged perpetrator, or nor to persuade the alleged victim to file a police report.

**C. CSA Training:**

1. The Clery Act Compliance Advisory Committee will review and provide feedback regarding any Clery training proposed for the various constituents of the university community.
2. The NMSU Police Department in collaboration with the Title IX Coordinator, will facilitate training for CSA personnel, to assist them in understanding which crimes require reporting for purposes of Clery Act compliance and how to perform their CSA responsibilities.
3. Maintenance and storage of CSA training records will be coordinated between the NMSU Police Department and HRS Human Resource Services-Center for Learning and Professional Development.

**PART 8: REPORTING OF CRIMES AND EMERGENCIES**

Students, faculty, staff, and ~~guest~~guests are encouraged to assist anyone experiencing an emergency or victim of a crime that they may encounter, and to report promptly any emergencies or crimes they witness or experience, as follows:

- A. **All Emergencies (police, fire, medical):** To report an emergency, community members should call 911. NMSU maintains a full public safety answering point (PSAP, or 911 Emergency Dispatch Center) that works in conjunction with others in the area to appropriately route calls and send emergency assistance.
- B. **Emergency Notifications and Timely Warnings:** ~~Anyone~~Any person who thinks an emergency notification or timely warning is needed should immediately contact the NMSU Police Department (either 911 or (575) 646-3311).
- C. **All Crimes:** All suspected or witnessed crimes on the Las Cruces campus should be reported to the NMSU Police Department (Emergencies – 911; Non-emergencies – 646-3311)

D. **Domestic Violence, Dating Violence, Sexual Assault, and Stalking:** Even if a victim chooses not to report this type of crime to the NMSU Police Department or local law enforcement agency with jurisdiction, these crimes must be reported by the CSA's and responsible employees to the university's Title IX Coordinator, pursuant to ARP 3.25 or be reported in accordance with 16.78.

~~E. **Misuse of university resources:** Crimes involving misuse of university resources may be reported to the NMSU Police Department or local law enforcement agency with jurisdiction. Suspected financial misconduct or misuse of university resources may also be reported for internal administrative investigation and corrective action to Audit Services ([audit@nmsu.edu](mailto:audit@nmsu.edu)), to Human Resource Services if involves employee misconduct ([elr@nmsu.edu](mailto:elr@nmsu.edu)) or through an the university's online reporting system, EthicsPoint: [https://secure.ethicspoint.com/domain/en/default\\_reporter.asp](https://secure.ethicspoint.com/domain/en/default_reporter.asp)). Administrators will report to the NMSU Police Department or local law enforcement agency when facts indicate the possibility of criminal activity.~~

## **PART 9: ~~ISSUANCE OF EMERGENCY AND~~ TIMELY WARNINGS AND OTHER EMERGENCY NOTIFICATIONS**

~~A. NMSU utilizes an emergency Notification system, through which warnings about campus emergencies (a system to broadcast Timely Warning and Emergency Notifications and periodic updates) are quickly broadcast using multiple media (text, phone, email and tv/TV monitors in university buildings) to all persons with a MyNMSU account (based on the receipt options they have selected).~~

~~A.B. Students and employees are strongly urged to maintain should register their current cell phone information for themselves to receive Timely Warnings and any family members other Emergency Notifications, as well as the contact information for other individuals they wish to also receive these notifications in event of emergency. (See [www.mynmsu.edu](http://www.mynmsu.edu) and ARP 16.11 – Emergency Notification System, for additional information on the NMSU emergency notification system.)~~

~~B.C. Additionally, when crimes are reported that may present an ongoing threat to the safety of students or employees the The NMSU Police Department is responsible for evaluating will collaborate with other involved departments (e.g. OIE) to evaluate the facts and context relating necessary to each reported crime and for determining determine the need, if any, to issue a Timely Warning or other Emergency Notification for the protection of the university community. The Police Department is authorized to establish departmental, consistent with the department's operational guidance and procedures consistent developed with the concurrence of the Clery Act and regulations to accomplish this task. Compliance Advisory Committee.~~

## **PART 10: EVACUATION OF FACILITIES**

~~Consistent with the university's Emergency Preparedness and Response policy and protocols (ARP 16.10), in the event of In an emergency, the incident commander (as identified in See ARP 16.01; ARP 16.10 and 16.15) is authorized to will order the evacuation of any facility deemed appropriate in order to protect life. NMSU faculty, staff, and students are expected to evacuate facilities whenever as indicated by building alarms indicate an evacuation is needed; however, they are encouraged, subject to be prudent and evaluate the possibility pursuit of other threats or~~

hazards. For example, if the alarm activation was maliciously conducted in order to lure people into a more vulnerable environment (e.g., into the sight of a violent attacker), they may disregard the facility alarm and take whatever action is reasonably prudent alternative necessary to protect themselves until such time as emergency responders are able to alleviate the face of more imminent danger.

## **PART 11: MONITORING OFF CAMPUS CRIMINAL ACTIVITY**

A. NMSU does not routinely monitor criminal activity or law enforcement actions taking place off campus and outside the control of the Board of Regents. Individuals interested in finding out about off campus crime should contact the appropriate law enforcement agency(ies). ~~Once each year, the NMSU Police Department will request a listing of crimes taking place at off campus registered or chartered student organization properties from the appropriate law enforcement agencies in order to include those statistics in the Annual Security Report, with jurisdiction.~~

B. Once each year, the NMSU Police Department will request law enforcement statistics for Clery Crimes from those outside law enforcement agencies/departments with jurisdiction over some or all of the university's Clery Geography, including but not limited to off campus properties owned or controlled by chartered student organization. The statistics provided by these outside law enforcement agencies/departments will be included in appropriate campus' Annual Security Report.

## **PART 12: ~~CLERY MONITORING FOR CLERY ACT COMPLIANCE~~; CRIME LOG, AND ~~ISSUANCE OF~~ ANNUAL SECURITY REPORT**

A. **Monitoring for Clery Compliance:** On behalf of NMSU, the Police Department monitors the NMSU system entities for compliance with the Clery Act and related university policies ~~throughout the NMSU System. Training and assistance will be provided or facilitated to address. Policy~~ infractions ~~and or~~ inconsistencies ~~in reporting will result in required training.~~ Lack of cooperation, ~~and repeated~~ or flagrant violations, will be reported to the relevant campus president, for internal investigation in conjunction with ~~HRS-ELR~~ Human Resource Services – Employee and Labor Relations, and may subject the responsible official to disciplinary corrective action.

### **B. Maintenance of Crime Log:– and Clery Crime Statistics:**

1. The NMSU Police Department, and each community college with a designated security officer will maintain a public log of all ~~crimes~~ criminal incidents and alleged criminal incidents reported to them, ~~or those of which they are made aware.~~
  - a. The log will include the nature, date, time and general location of each crime and disposition of the complainant (within the past 60 days), if known.
  - b. Information must be readily available within two business days from date of request.
  - ~~c.~~ Crime logs must be maintained for seven years, and for at least three years following the publication of the most recent amendment of any annual security report. (Historical daily crime logs can be viewed online at <https://www.nmsupolice.com/crime->

statistics/.) ~~The Police Department will maintain crime statistics consistent with the Clery Act and corresponding regulations.~~

2. The NMSU officials responsible for submitting Annual Security Reports (NMSU Police Department and community college security official(s)) will also maintain Clery Crime statistics consistent with the Clery Act and corresponding regulations.
  - a. These officials are encouraged to coordinate with Facilities and Services to identify the buildings and properties within each of these categories to assist with proper reporting.
  - b. Crimes occurring outside of the campus' Clery Geography are not to be included in the Clery Act statistics, even if students or employees are involved.

### C. Issuance of Annual Security Report:

1. By October 1 of each year, the NMSU Police Department will publish and distribute ~~the~~to current and prospective students and employees an Annual ~~Campus~~ Security Report for the [contiguous] Las Cruces and DACC Espina Campuses (joint report) ~~and~~, and a separate Annual Security Report for the Albuquerque Center campus ~~to current and prospective students and employees. The community colleges.~~
2. The presidents of the other ~~than DACC Espina~~ are responsible for publishing the NMSU campuses will ensure that their campus' Annual Security Reports Report is published and distributed for their campuses. Notice of the Report will be sent and a URL posted with instructions for obtaining a paper copy, if desired. The report campus by October 1 of each year.
- 0.3. Each Annual Security Report will provide ~~crime~~ Clery Crime statistics for the prior ~~3~~three years ~~and~~, policy statements about safety and security measures, and procedures applicable to the investigation and prosecution of alleged sex offenses.
4. Notice of each NMSU Annual Security Report will be timely sent, and a URL posted for electronic access, with instructions for obtaining a paper copy, if desired.

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#### Details

Scope: NMSU System

Source: ARP Administrative Rules and Procedures Chapter 16 | Safety and Risk Management

Rule Administrator: Campus Presidents, NMSU Police Chief

Last Updated: 10/01/2019

#### Related

##### Cross-References:

The Handbook for Campus Safety and Security Reporting

RPM 2.30 University Boards

##### Revision History:

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10/01/2019 Adopted by provisional authority of Chancellor