

# THE AVENUE ACADEMY,

A Cosmetology Institute

## 2018 Annual Security Report



In Compliance with the Jeanne Clery Disclosures of  
Campus Security Policy and Campus Crime Statistics Act

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## Campus Contact Info

### Compliance Office

Compliance Director: Jeanne  
Heninger

(505) 293-7511

[jheninger@theavenueacademy.com](mailto:jheninger@theavenueacademy.com)

### Director

Larry Henderson

(505) 293-7511

[lhenderson@theavenueacademy.com](mailto:lhenderson@theavenueacademy.com)

### Location

6600 Menaul Blvd. NE STE. M002  
Albuquerque, NM 87110

### Students Enrolled:

2017:

2016:

2015:

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## INTRODUCTION

### Annual Disclosure of Crime Statistics

The Avenue Academy, A Cosmetology Institute's Campus Safety and Security Report is published by October 1 of every year. This is the compliance document to the Federal Student Right to Know and Campus Security Act of 1990 also known as the Clery Act, with Higher Education Amendments. Crime statistics as listed in this pamphlet reflect reported crime only and are for calendar months January through December.

### What is the Clery Act?

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies.

All post-secondary public and private institutions participating in federal student aid programs must adhere to these regulations. The Clery Act was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh Institution in 1986.

### History of Jeanne Clery Act

In April 1986, Jeanne Clery's life ended tragically when another student raped and murdered her in her residence hall room. Alarmed at the lack of transparency around crime and violence on college campuses, Jeanne's parents, Connie and Howard, committed themselves to create enduring change.

### What is The Academy obligated to do?

To ensure compliance with the Clery Act, The Academy must meet obligations in the following categories:

- Collect, classify and count crime statistics
- Issue campus alerts. To provide the campus community with information necessary to make informed decisions about their health and safety The Academy must:
- Issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of students or employees.
- Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety of students or employees occurring on campus.
- Provide educational programs and campaigns that promote the awareness of dating violence, domestic violence, sexual assault and stalking, The Academy must:
  - provide primary prevention and awareness programs to all incoming students and new employees
  - provide ongoing prevention and awareness campaigns for students and employees.
- Have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking. Disclose these policy and procedures in the annual security report.
- Publish an annual security report containing safety and security related policy
  - Statements and crime statistics. The Academy must distribute it to all current students and employees. Schools also must inform prospective students and employees about the availability of the report.
- Submit crime statistics to the Department.
  - Each year in the fall The Academy must participate in a Web-based data collection to disclose crime statistics by type, location and year.

### Collection of Statistics

The Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that are considered to be "campus security authorities" under the law.

Under the Clery Act, a crime is "reported" when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with The Academy. If a campus security authority receives a report, it must be included as a crime report according to Academy procedures. The Academy must include statistics based on reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a security authority, nor must a finding of guilt or responsibility be made to include the reported crime in The Academy's crime statistics.

The Annual Campus Safety and Security report is prepared in the Compliance office and is published on The Academy's website. Statistics are collected from local law enforcement, specifically the substation located inside the Coronado Mall.

### Reporting Clery Act Crimes

Victims or witnesses are encouraged to report crimes on a voluntary, confidential basis for inclusion in the annual security report. Reports can be made directly to approved Campus Security Authorities or to the Albuquerque Police Department (505) 242-2677 or 911. The Academy encourages accurate and prompt reporting of all crimes to appropriate law enforcement agencies. Persons reporting criminal incidents should provide as much information as available. If possible, this should include the location, nature of injuries, the description of possible criminals, and briefly what happened. The Academy will utilize the Albuquerque City Police Department, as required, to protect victims, investigate incidents, and make arrests when necessary. "Campus Security Authority" is a Clery Act-specific term that encompasses groups of individuals and organizations associated with an institution.

The Academy assigns CSA's from officials of the Academy administrative staff officials. A "official" is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of The Academy. Administrative officials selected as CSA's hold significant responsibility for student and campus activities.

#### Current Academy CSA's

Larry Henderson (505) 293-7511 [Lhenderson@theavenueacademy.com](mailto:Lhenderson@theavenueacademy.com)

Jeanne Heninger (505) 293-7511 [JHeninger@theavenueacademy.com](mailto:JHeninger@theavenueacademy.com)

Melissa Gold (505) 293-7511 [MGold@theavenueacademy.com](mailto:MGold@theavenueacademy.com)

Compliance Director: Jeanne Heninger (505) 293-7511 [JHeninger@theavenueacademy.com](mailto:JHeninger@theavenueacademy.com)

Responsible for issuing timely warnings and data collection for annual statistical disclosures.

## CAMPUS SECURITY POLICIES

### Emergency Response and Evacuation Procedures policy updated 10/28/2017

This policy establishes the emergency response and evacuation procedures for The Academy. This policy has been established to ensure, to the greatest extent possible, the safety and welfare of students and employees. This policy is aligned with and in compliance with the Higher Education Opportunity Act that requires all Title IV institutions, without exception, to have and disclose emergency response procedures in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The requirements set forth in this policy are only applicable to emergency or dangerous situations occurring on campus. The Academy may issue emergency notifications about emergency or dangerous situations that occur in the broader community if Academy officials determine that such notifications provide helpful or relevant information to the campus population.

The Academy will, upon confirmation of an ongoing significant emergency or dangerous situation that poses an imminent threat to the health and safety of campus community members, immediately issue emergency notifications to the campus community. While it is impossible to predict every significant or dangerous situation that may occur on campus, the following identified situations shall warrant an emergency notification after confirmation.

- Outbreak of meningitis, norovirus or other serious illness
- Approaching tornado, hurricane or other extreme weather conditions
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill

Academy officials shall use their best, reasonable judgment in all other situations as to whether an emergency notification is warranted. Situations that may create business, academic or research interruptions, but do not pose a health or safety risk, do not necessitate an emergency notification. Notifications about such situations may include:

- Power outage
- Snow closure
- Temporary building closures

### **Emergency Notification**

The Academy will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Confirmation means that a designated official (or officials) has verified that a legitimate emergency or dangerous situation exists. Confirmation doesn't necessarily mean that all of the pertinent details are known or even available.

The Academy will confirm that there is an emergency or dangerous situation on a case-by-case basis after consideration of the available facts, including factors such as the nature of the emergency and the continuing danger or risk to the campus community. The Compliance Director or designee will confer with the Owner and if needed, local authorities in order to confirm an emergency.

The Compliance director is the designated coordinator to enact emergency procedures and communication.

If the determination is made that an emergency notification will be issued, the Compliance Director will confer with the appropriate public and Academy officials in order to make a determination of who needs to be notified, and what the content of the notification should be.

This determination will be made giving consideration to who may be endangered by the emergency, who else may be affected by it, and what information is appropriate to communicate to them. The Compliance Director has the flexibility to discern whom to alert according to who may be at risk. In general, the entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by the situation, or when the situation threatens the operation of the campus as a whole. There will be continuing assessment of the situation and additional notifications may be issued if a situation warrants such action.

The Compliance Director will determine how much information is appropriate to disseminate at different points in time. Depending on what segments of the community notifications target, the content may differ.

### **Initiating the Notification System**

The Academy will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to resolve the emergency.

As soon as The Academy has confirmed that a significant emergency or dangerous situation exists, the Compliance Director shall:

- Take into account the safety of the campus community
- Determine what information to release about the situation
- Begin the notification process

The only reason the Compliance Director would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to:

- Assist a victim
- Contain the emergency
- Respond to the emergency
- Otherwise mitigate the emergency.

*The law doesn't specify who may or may not be a responsible authority except to qualify that they use professional judgment.*

The Academy will notify the campus community that there's an emergency or dangerous situation as follows:

- Notify first applicable local first responders
- Prompt campus alarms and public-address system
- Text message system
- Email notification; to include more specific information as it comes available

Compliance Director: Jeanne Heninger is responsible for initiating the emergency notification system.

Responsible Office: Compliance/ Administration

Larry Henderson Director (505) 293-7511 [LHenderson@theavenueacademy.com](mailto:LHenderson@theavenueacademy.com)

Responsibilities: Containing the Emergency

Jeanne Heninger Compliance Director/Administrative Assistant (505) 293-7511

[JHeninger@theavenueacademy.com](mailto:JHeninger@theavenueacademy.com)

Responsibilities: Emergency Notifications/Coordination of public responders

Natasha Chavez (505) 293-7511 [NChavez@theavenueacademy.com](mailto:NChavez@theavenueacademy.com)

Responsibilities: Containing the Emergency

Albuquerque City Police Department – Non-emergency (505) 242-2677

Substation in Coronado Mall (505) 888-8130

Albuquerque City Fire Department (505) 888-8178

NM Department of Health (505) 841-4141

911 Emergency

Disseminating emergency information to the larger community.

The Academy disseminates emergency information to individuals and/or organizations outside of the campus community in the following ways:

- Cell phone alerts to students' parents and guardians
- Use of radio and/or TV alerts for the neighboring community
- FaceBook community page

The Compliance office is responsible for developing the information to be disclosed and for overseeing the dissemination of pertinent information to the larger community.

### **Testing of the Emergency Response and Evacuation Procedures**

The Academy tests the emergency response and evacuation procedures on at least an annual basis. Testing includes:

- Tests that may be announced or unannounced. Tests are regularly scheduled drills, include exercises and appropriate follow-through activities, designed for assessment and evaluation of The Academy's emergency plans and capabilities.
- Tests are conducted, at minimum, at least once a year and may be announced or not.

To comply with the Clery Act requirement the test must meet all of the criteria below:

- It must be scheduled. An actual emergency situation or a false emergency alarm served may not serve as a test of The Academy's procedures.
- Must contain drills. A drill is an activity that tests a single procedural operation (e.g., a test of initiating a cell phone alert system or a test of campus security personnel conducting a campus lockdown).
- Must contain exercises. An exercise is a test involving coordination of efforts (e.g., a test of the coordination of first responders, including police, firefighters and emergency medical technicians).
- Must contain follow-through activities. A follow-through activity is an activity designed to review the test (e.g., a survey or interview to obtain feedback from participants).
- Must be designed for assessment of emergency plans and capabilities. The test should have measureable goals. For example, "Everyone involved in the emergency response and notification procedures will understand his or her role and responsibility."
- Must be designed for evaluation of emergency plans and capabilities. Designed so that, using the assessments, The Academy can judge whether or not the test met its goals. For example, "The evacuation process accounted for/did not account for the diverse needs of all members of the campus community."

Tests must address emergency response and evacuation on a campus wide scale. "Campus wide" scale means that tests must address The Academy's plan for evacuating all campus buildings.

### **Documentation of Testing**

The Academy is required to document, for each test, a description of the exercise, the date, time and whether it was announced or unannounced. Although the law requires only one test each year, if The Academy has multiple tests in a year, documentation is required for each one.

Documentation must address each component:

- A description of the exercise (i.e., the test).
- The date the test was held.
- The time the test started and ended.
- Whether the test was announced or unannounced.

Clery Act-related documentation for emergency test documentation is required to be kept for seven years.

### **Publication of the Emergency Response and Evacuation Procedures**

The Academy publicizes its emergency response and evacuation procedures in conjunction with its annual emergency system test.

The Academy distributes this information by sending a “blast” email to students, parents/guardians and applicable members of the community containing a link to The Academy’s procedures. Procedures are also included within the Academy’s annual security report and distributed as it is annually.

### **Timely Warning policy updated 10/28/2017**

Circumstances for which a timely warning will be issued:

The Academy will issue a timely warning for all Clery Act crimes that occur on The Academy’s Clery Act geography that meet the following:

- Reported to campus security authorities or local police agencies
- Considered by The Academy to represent a serious or continuing threat to students and employees.

The requirement for timely warnings is not limited to violent crimes or crimes against persons. Timely warnings could be needed for crimes that represent threats to property.

This timely warning policy is not limited to certain types of Clery Act crimes and it may include non-Clery Act crimes. That is, although the Clery Act mandates timely warnings only for Clery Act crimes, nothing in the law prohibits timely warnings for other crimes that may pose a serious or continuing threat to the campus community (e.g., a kidnapping on campus or a rash of robberies in a public parking lot across the street from the shopping plaza where the school is located).

**Crimes Exempt From the Timely Warning Requirement**

The Academy is not required to provide a timely warning for non-Clery Act crimes or for crimes reported to a pastoral or professional counselor. There are no other exemptions.

**Individual and Office responsible for issuing timely warnings**

Office: Compliance/ Administration Office

Jeanne Heninger Compliance Director/Administrative Assistant (505) 293-7511

[JHeninger@theavenueacademy.com](mailto:JHeninger@theavenueacademy.com)

Timely warnings are disseminated via email and text blasts.

### **Pastoral and Professional Counselors**

The Academy does not employ or have affiliation with Pastoral or Professional counselors.

### **Evacuation Procedures**

An evacuation of part or all of campus may be required before, during, or after a significant incident, emergency, disaster or major disaster, or catastrophic incident. An evacuation may constitute the movement of people from one area of the campus to another, or it could require movement to an off-campus location away from the hazards affecting an evacuation requirement. Such an evacuation may lead to an eventual return to the campus, or may involve reunification and/or mass transportation efforts in the event the return of people to the campus is not feasible.

#### **Procedures**

The primary goal is a safe and orderly evacuation to save lives and allow responding emergency personnel unimpeded access to address the campus incident.

- Identify specific areas of the campus to be evacuated, and where the displaced people are to be sheltered (and by what method if beyond walking distance).
- Specify transportation pickup location(s) for mobility impaired persons.
- The authority to issue a campus evacuation order rests with the Compliance Director or their designee; the authority to issue an order covering the area surrounding and/or including the campus rests with the City according to its ordinances and plans.

- Alert local officials of evacuation plan.
- The evacuation order should not be lifted until consultation is made between the campus and city officials. The authority to lift a campus evacuation order rests with the Compliance Director or their designee; the authority to lift an order covering the area surrounding and/or including the campus, issued by the city, rests with the city according to its ordinances and plans.

### **Security and Access to Campus Facilities**

Employees or students seeking access to campus, outside established operational hours, must have prior permission from the Compliance Office (505) 293-7511; email [JHeninger@theavenueacademy.com](mailto:JHeninger@theavenueacademy.com) or the from the Director (505) 2913-7511; email [Lhenderson@theavenueacademy.com](mailto:Lhenderson@theavenueacademy.com).

Security of the campus facility is top priority in maintaining a safe campus. For this purpose, only certain Academy staff are given keys to gain access into the building. These staff members are responsible for the locking/unlocking of building entries daily. The front entry doors are monitored by digital surveillance 24 hours a day.

#### **Security Considerations Used In the Maintenance of Campus Facilities**

The Director oversees the physical safety of the facility. The Director works in tandem with Academy maintenance employees to ensure pathways and entrances are well lit and that entry locks are in working order.

Note: The Avenue Academy does not have campus residences.

### **Campus and Security Education**

Information about emergency response procedures is provided at the beginning of enrollment, at student orientation, and it is re-emphasized throughout the year on a campus-wide basis as other relevant advisories are issued. Information on how to receive emergency notifications is also located in The Academy security report which is provided electronically to the entire campus community on (a minimum of) an annual basis. The goal of crime prevention and security awareness programs is to minimize or eliminate criminal opportunities whenever possible and to encourage students, faculty and staff to be responsible for both their own safety and the safety of others.

The Avenue Academy incorporates monthly (revolving) trainings for students during theory on the education of crime prevention, along with the education and prevention of substance abuse, dating violence, domestic violence, sexual assault and stalking. Each month the educational training is on a separate individual subtopic of the above-mentioned main topics and includes facts, strategies for prevention, testimonials, guest speakers, active participation, open discussion and resources.

Emergency procedures are disseminated at least bi-annually to all students and staff.

### **Campus Law Enforcement**

The Academy does not employ campus law enforcement or security personnel. However, the Coronado Mall where The Academy is located has security personnel. There is also an Albuquerque Police Substation located inside the Coronado Mall.

### **Student Organizations With Non-Campus Locations**

The Academy does not have any officially recognized student organizations with non-campus locations.

### **Alcohol Policies and Guidelines**

The Academy is committed to excellence in all aspects of personal and academic life. Alcohol abuse and misuse is a significant impediment to achieving this excellence. Therefore, The Academy permits only responsible, legal consumption of alcohol. The Academy complies with all federal, state and local laws concerning alcohol and illegal drugs.

Alcohol policies apply to the campus and to Academy sponsored activities at off-campus locations.

Administrators, alumni, faculty, guests, staff, and students must adhere to all applicable state and local laws and Academy regulations related to the sale, possession, and use of alcoholic beverages.

The most common laws related to alcohol use and sales are as follows:

1. Alcohol is not permitted on campus

2. The sale of alcoholic beverages is prohibited except in designated areas at times and dates licensed by the New Mexico State Department of Revenue.
3. In the State of New Mexico, it is against the law for persons under 21 years of age to possess or consume malt beverages, fermented malt liquor or vinous or spirituous liquor. The Academy enforces all federal, state, and local laws concerning possession and/or consumption of ethyl alcohol. However, enforcement options may include criminal charges as well as a referral to The Academy Administration team for possible disciplinary sanctions.
4. The furnishing of alcoholic beverages to underage persons is also against state law.
5. Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area.
6. No person under legal drinking age or any obviously intoxicated person shall be furnished, served, or given an alcohol beverage.

## Illegal Drugs

Federal and State drug laws as well as Academy policy prohibit the sale, unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, or of illicit drugs, on institution property or as part of any Academy activity, in compliance with the Campus Security Report, Drug Free Schools and Communities Act and the Drug-Free Workplace Act. The Academy enforces all federal, state, and local drug laws. This prohibition applies to all students and to all employees.

## Drug and Alcohol Abuse Education Programs

The Academy provides education, counseling, and referral for rehabilitative treatment relating to drug and alcohol abuse. The Avenue Academy incorporates monthly (revolving) trainings for students during theory on the education and prevention of substance abuse along with dating violence, domestic violence, sexual assault, stalking and crime prevention. Each month the educational training is on a separate individual subtopic of the above mentioned main topics and includes facts, strategies for prevention, testimonials, guest speakers, active participation, open discussion and resources.

For further information on The Academy's alcohol and drug policies refer to the Drug and Alcohol Policy and Abuse Prevention Policy.

## Dating violence, Domestic violence Sexual Assault and Stalking

**The Academy prohibits dating violence, domestic violence, sexual assault and stalking, as they are defined for purposes of the Clery Act.**

**Dating violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence** is defined as:

- A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim or by a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others
- Suffer substantial emotional distress.

**Sexual Assault** is defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape.

**RAPE**

- Rape, Completed
- Attempts to Commit Rape

Reporting agencies classify one offense for each person raped or upon whom an assault to rape or attempt to rape has been made. Reporting agencies classify rape or attempted rape regardless of the age of the victim.

#### **Rape—Completed**

Is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

This definition includes either gender of victim or offender. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

#### **Rape—Attempts to Commit Rape**

Assaults or attempts to rape are classified as Attempts to Commit Rape.

#### **Incest**

Is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

#### **Statutory Rape**

Is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent If the offender used or threatened the use of force or the victim was incapable of giving consent because of his/her youth or mental impairment, either temporary or permanent, law enforcement should classify the offense as Rape, not Statutory Rape.

#### **Fondling**

Is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Because there is no penetration in fondling, this offense will not convert to the SRS as Rape.

#### **Consent**

New Mexico does not provide a definition for consent, but it does provide a definition for “force” or “coercion”, which means: (1) the use of physical force or physical violence; (2) the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats; (3) the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats; (4) the perpetration of 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; or (5) the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient's consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy. Physical or verbal resistance of the victim is not an element of force or coercion. New Mexico Statutes §30-9-10.

### **Dating Violence, Domestic Violence, Sexual Assault and Stalking Education and Programs**

The Academy has the following programs in place to promote awareness and to educate people about preventing dating violence, domestic violence, sexual assault and stalking. The Academy works with local organizations that assist victims of dating violence, domestic violence, sexual assault and stalking, such as local rape crisis centers, local law enforcement officials, social services personnel, state coalitions against domestic and sexual violence, when developing these programs.

Programs to prevent dating violence, domestic violence, sexual assault and stalking are defined as comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking must be:

- Culturally relevant
- Inclusive of diverse communities and identities

- Sustainable
- Responsive to community needs
- Informed by research or assessed for value, effectiveness or outcome
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault and stalking must include primary prevention and awareness programs.

- Primary prevention programs are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- Awareness programs are defined as community wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

The Avenue Academy incorporates monthly (revolving) trainings for students during theory on the education and prevention of dating violence, domestic violence, sexual assault, stalking along with substance abuse and crime prevention. Each month the educational training is on a separate individual subtopic of the above-mentioned main topics and includes facts, strategies for prevention, testimonials, guest speakers, active participation, open discussion and resources.

### **Bystander Intervention**

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

Bystander intervention includes

- Recognizing situations of potential harm
- understanding institutional structures and cultural conditions that facilitate violence
- overcoming barriers to intervening
- identifying safe and effective intervention options
- taking action to intervene.
- Risk reduction is defined as options designed to:
  - decrease perpetration and bystander inaction
  - increase empowerment for victims in order to promote safety
  - help individuals and communities address conditions that facilitate violence

Academy provides resources for training to incoming students and new employees which provides positive options for bystander intervention and information on risk reduction. It is important to The Academy that Information about risk reduction is not presented in a manner that encourages victim blaming.

Bystander training

In addition to the primary prevention and awareness programs provided to incoming students and new employees, The Academy also provides risk prevention and awareness campaigns for all current students and employees to reduce their risk of becoming victim to crime.

Ongoing prevention and awareness campaigns means programming, initiatives and strategies that are sustained over time. The Academy programming, initiatives and strategies focus on increasing the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault and stalking.

Academy campaigns are designed to promote awareness of the services and programming that The Academy has available to address these issues.

Academy campaigns may include but are not limited to:

- Social media posts, email blasts, notices on bulletin boards and posters
- Support and advertising of local and community events and activities
- Discussing issues and available services in the classroom, or advertising programs or events

## Procedures Victims Should Follow in the Case of Alleged Dating violence, Domestic violence, Sexual Assault or Stalking

Victims should tell someone they know and trust, then:

- Seek medical assistance if needed. Victims of a sexual offense or sexual assault should immediately go to a hospital and tell emergency personnel that a rape has occurred or contact the Rape Crisis Center of Central New Mexico.
- Report what happened to law enforcement as soon as possible.
- Contact one or more of The Academy Administrators to find out how The Academy can assist and provide resources.
- It is important that a victim preserve evidence as it may be necessary to prove a criminal case or for obtaining an order of protection. It is important that law enforcement is contacted as soon as possible so they can assist in preserving evidence.
- **Victims of a sexual offense or sexual assault should not bathe, shower, or wash their clothes before going to the hospital or S.A.N.E Unit.**
- It is up to the victim to decide whether to notify law enforcement, and the victim may decline to notify law enforcement if he or she so chooses.

The Academy strongly encourages victims to obtain a forensic examination. Completing a forensic examination does not require someone to file a police report. Having a forensic examination will help preserve evidence in case the victim decides, at a later date, to file a police report or protection.

### Forensic Testing, Support and Additional Resources

#### **Albuquerque SANE Collaborative**

625 Silver SW, 2nd Floor, Albuquerque, NM,  
87102, Bernalillo County  
Main: (505) 883-8720  
24-hour: (505) 884-7263  
Website: abqsane.org

#### **RAPE CRISIS CENTER OF CENTRAL NEW MEXICO**

24-hour Hotline: (505) 266-7711  
Office: (505) 266-7712  
Email: [info@rapecrisiscnm.org](mailto:info@rapecrisiscnm.org)  
Website: [rapecrisiscnm.org](http://rapecrisiscnm.org)

**\*\*\*All services at the Rape Crisis Center of Central New Mexico are free of charge.**

No matter where you were or what you were doing, if you have been sexually assaulted or abused, you have the right to respectful and confidential care. For more information about counseling services or to schedule an appointment, please call us Monday- Friday, 8:00am-5:00pm.

- You do not have to make a police report in order to access RCCCNM's counseling services.
- You will not be asked about your immigration status.
- You do not have to make a donation in order to access RCCCNM's counseling services.

### **Reporting**

Individuals who wish to report an incident or complaint under this policy may do so by reporting it to the Compliance Office. Complaints may be filed in person, electronically or by phone. Sexual violence, sexual assault (including but not limited to domestic or dating violence), and stalking should also be reported to the Albuquerque City Police Department. Academy officials will provide assistance for a victim to notify law enforcement or respect if they opt to decline notification. The Academy will comply with a student's request in notifying authorities.

Steps for filing a police report

1. Call 911. Request to speak with someone who is trained in sexual assault cases. Ask for privacy as you may be asked sensitive questions. Your first report may take several hours, ask for breaks as you find you need.

2. **Preserve Evidence:** Get a sexual assault forensic exam. If you find yourself in a hospital being treated for assault-related injuries, explain that you have been assaulted and want to report the crime. A sexual assault forensic exam, sometimes called a "rape kit," will help protect your health, prevent pregnancy and STIs, and provide crucial evidence if you choose to go to court it may be helpful in obtaining a protection order. You can skip any step of the exam that you choose. Do not shower. After you have been assaulted, avoid bathing, using the restroom, combing your hair, or changing your clothes. If you do change your clothes, place them in a paper bag and bring them to the health center.
3. It may take more than one interview with your assigned investigator.

An individual who is considering making a criminal complaint should seek medical care as soon as possible after an assault.

Compliance Office: Jeanne Heninger (505) 293-7511 [JHeninger@theavenueacademy.com](mailto:JHeninger@theavenueacademy.com)  
Albuquerque City Police Department (505) 242-2677

When a student or employee reports to the Academy that the student or employee has been a victim of dating violence, domestic violence, sexual assault or stalking; whether the offense occurred on or off campus the Academy will provide the student or employee with written documentation of their rights and options. This documentation is prepared, standardized and a written set of materials including detailed information regarding victims' rights and options.

### Orders of Protection

The Academy does not issue orders of protection, however; victims can protect themselves by filing a *Request for a Protective Order* with the court. The Academy will comply with and enforce orders associated with the Protective Order.

The Albuquerque Police Department can assist victims in filing criminal complaints or filing for a protective order. 1 (505) 242-2677

The Academy is obligated to comply with a student's reasonable request for an academic situation change following an alleged sex offense. The student may meet with the Compliance director to determine the best individual plan to ensure the student's safety and academic success. Factors that might be considered in developing the personal plan may include, but are not limited to the following:

- The specific need expressed by the complainant
- The age of the students involved
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same classes or attendance schedule
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The Academy offers a range of protective measures for victims following an allegation of dating violence, domestic violence, sexual assault or stalking. The Academy will provide written notification to victims about options for available assistance in and how to request changes in their program to accommodate or provide additional protective measures if the victim requests and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Additional protective measures or other terms need not be reciprocal, and may include, without limitation, the following:

- Restricting a student from being in close proximity to the other student
- Restricting a student's access to certain campus locations.
- Restricting the times a student may be present on campus.
- Requiring that the students not be enrolled in the same academic classes
- Requiring that the students not participate in the same academic activities.

Protective measures are intended to minimize the burden on the victim.

### Protection and Confidentiality of Victims

The Academy will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of The Academy to provide the accommodations or protective

measures. The Academy will protect a victim's confidentiality, even if the victim does not specifically request confidentiality.

Given the sensitive nature of Sexual Misconduct allegations and the potential for damage to the parties' personal reputations, all Reports will be investigated as confidentially as reasonably possible. All participants in the investigation—including the accuser, and the accused, the Investigator, and individuals interviewed by the Investigator—should keep the allegations and proceedings confidential and should provide information only to those Academy and governmental employees who are authorized to investigate the report. Records kept by The Academy relating to Sexual Misconduct allegations are not publicly available, but in the event that the Academy is required to make any such records publicly available, any identifying information about the accuser will be excluded, to the extent permissible by law, to protect the accuser's confidentiality. Federal law requires The Academy to publicly disclose statistics about reported incidents of sexual assault, domestic violence, dating violence, and stalking; however, no personally-identifiable information is maintained or published for purposes of such reporting. Notwithstanding the foregoing confidentiality provisions, accusers and any witnesses who participate in an investigation of Sexual Misconduct should be advised that their confidentiality will be preserved only to the extent it does not interfere with The Academy's ability to investigate the Report and take corrective action, and that if the investigation results in litigation, The Academy may be legally required to disclose any information it has received. If an accuser requests that his or her identity be kept confidential or asks The Academy not to pursue an investigation, the accuser should be notified that

- The Academy's ability to investigate and respond to the Report may be limited by such a request
- Under some circumstances The Academy may not be able to honor such a request. The Academy will take all reasonable steps to investigate and respond to a Report consistent with the accuser's request for confidentiality. However, without conducting a full investigation or disclosing the full nature of the Report (including its source) to the accused, The Academy may be unable to impose any discipline, and its corrective actions might be limited to informing the accused that allegations of discriminatory behavior have been made against him or her, preserving a record of the discrimination allegation in the accused's employment or student disciplinary file, and pursuing other steps to limit the effects of the alleged harassment and prevent its recurrence, accusers who desire complete confidentiality may be advised that they can contact the local police department direct. The accuser should also be advised that The Academy may not be able to honor a request for confidentiality or to forego an investigation if such a request would prevent The Academy from meeting its responsibility to provide students and employees with a safe and nondiscriminatory environment and its corresponding obligations to provide a thorough and impartial investigation and a prompt and equitable resolution of the Report. The Compliance Director is responsible for evaluating requests for confidentiality or to forego an investigation. The Director will consider the following factors in determining whether to disclose the identity of a Complainant or pursue an investigation contrary to the accuser's request:
  - The seriousness of the alleged Sexual Misconduct
  - The age or maturity of the victim
  - The existence of any previous accusations against the alleged violator
  - The existence of independent evidence to substantiate the allegations
  - In the case of accusations against a student, the rights of the student under FERPA and corresponding federal and state privacy laws or laws mandating disclosure.

If the Compliance Director determines they cannot honor an accuser's request for confidentiality or an accuser's request to forego an investigation, the Director will inform the accuser prior to commencing an investigation

### **Counseling and Services for Victims**

The Academy does not have on campus services, however; the following off campus services are recommended in the facilitation of victim recovery.

Rape Crisis Center of Central New Mexico.....24-hour Hotline: (505) 266-7711  
Office: (505) 266-7712  
Albuquerque S.A.N.E. Collaborative.....24-hour: (505) 884-7263  
Main: (505) 883-8720  
Agora UNM Crisis Center.....(505) 277-3013  
Safe House.....1-800-773-3645

Albuquerque Police Department Victim Assistance Unit.....(505) 243-2333  
 Domestic Violence Hotline.....1-800-773-3645  
 Child Abuse Hotline.....(505) 841-6100  
 UNM Mental Health.....(505) 272-2800  
 Domestic Violence, Sexual Assault and Stalking Legal Helpline.....1-877-974-3400

#### Other Sexual Assault Information

Not Alone-Together against sexual assault <https://www.notalone.gov/> is a government sponsored site assisting victims of sexual assault. This information is for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and institution campuses and in our schools. Click to explore and find a crisis service, learn more about your rights and how to file a complaint, and view a map of resolved school level enforcement activities.

The Academy will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within The Academy and in the community through request of the Compliance office.

## Procedures for Disciplinary Action

### Filing a Disciplinary Complaint

When an individual reports an incident to the Compliance office they will be given the opportunity to also file a disciplinary complaint to begin the procedures for disciplinary action.

Upon receipt of a complaint, the Compliance Office, or designee will review the complaint and determine if a formal investigation shall be opened. The Compliance Office may work with the Albuquerque Police Department to determine if a formal case file should be opened with an Albuquerque City Police Department Investigator who will then direct investigation and confer with The Academy as necessary (e.g. with a need to know on interim action, accommodations for the alleged victim, or other necessary remedial short-term actions). If the investigation is internal, the Owner/ Director will investigate complaints against employees, and the Compliance Office will investigate complaints against students. If the alleged conduct is also the subject of a criminal investigation, The Academy may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this policy. However, The Academy may need to coordinate its fact-finding efforts with the police investigation. The Academy will follow policy regardless of whether or not the alleged case is related to dating violence, domestic violence, sexual assault or stalking; whether it be on or off the Academy's Clery Act geography. If, after investigation a disciplinary hearing is warranted both the accuser and the accused will be simultaneously notified.

### Investigation

The following shall help to ensure the case process is prompt, fair and impartial from the initial investigation to the final result.

1. The staff overseeing the case may initiate any necessary remedial actions, and may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate Academy staff members. These protections may include separating the parties, placing limitations on contact between the parties, or making alternative school schedules.
2. Determine the identity and contact information of the parties involved. (whether that be the initiator, the alleged victim, or an Academy proxy or representative)
3. Attempt to meet with the Complainant and finalize the complaint
4. Identify the correct policies allegedly violated
5. Prepare the notice of charges on the basis of the initial investigation
6. Meet with the accused. She or he will be provided a copy of the complaint and given a full and complete written statement of the allegations, and a copy of this Policy. Also, the accused shall state whether she or he is "responsible" or "not responsible" for the alleged violation during the meeting.
7. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual, who may be given notice prior to or at the time of the interview.
8. Complete the investigation promptly, and without unreasonable deviation from the intended timeline.

9. Make a preliminary finding, based on a clear and convincing evidence (whether a policy violation is more likely than not).
10. Present the preliminary finding to the accused and accuser as well as the appropriate Academy official(s) and hearing panel(s).
11. Case shall be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

A student or employee who reports to The Academy that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking—even if the offense occurred off campus has the right to a prompt, fair and impartial disciplinary proceeding in which the following apply:

- Proceeding is consistent with The Academy's policies and transparent to the accuser and the accused.
- Officials are appropriately trained and do not have a conflict or bias for or against the accuser or the accused.
- The accuser and the accused have equal opportunities to have others present, including an advisor of their choice in any meeting or Academy disciplinary proceeding. *An advisor is any individual who provides the accuser or accused support, guidance or advice.* The Academy does not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. The Academy may remove or dismiss advisors who become disruptive.
- The accuser and the accused receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures.
- The proceeding is completed in a reasonable prompt timeframe. The process allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
- The accuser and the accused are given timely notice of meetings at which one or the other or both may be present
- The accuser, the accused and the appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.

The proceeding must be one that lacks hidden agendas and conditions, makes appropriate information available to each party, and is fair and clear to all parties.

"*Proceeding*" is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

All parties will be informed of their rights during an investigation. Generally, sexual misconduct investigations will be completed within 60 days and protected class discrimination and harassment investigations will be completed within 90 days. Should any delay occur, all parties will be informed in writing as soon as is practical, and will be notified when the results of the resolution process become final.

## Disciplinary Hearings

The Compliance office may originate student discipline hearings. Student disciplinary hearings may also be held upon written request of the student or the student's parents, to consider appeals from student suspensions, in excess of ten (10) school days. In all hearings, whether initiated by administration or by appeal, the following procedures apply:

1. The student and the parents/guardians will be advised of the charges against the student; their right to a hearing; the date, time and place of the hearing; their right to counsel; and their procedural rights to call witnesses, enter exhibits and cross-examine adverse witnesses. All such notifications will be made by certified mail, addressed to the last known address of the student and/or the student's parents or guardians, or hand delivered.
2. Prior to the hearing before the applicable administration, the student and the student's parents will be advised of the identity of the witnesses to be called by and advised of the general nature of their testimony. In addition, the student and the student's parents will be provided with copies of the documents expected to be introduced at the hearing.
3. The hearing will be closed unless the student's parents request an open hearing. At the hearing, administration or its counsel will present the charges and such testimony and evidence to support such charges. The student, the parents or their counsel shall have the right to present witnesses, introduce

exhibits, and to cross-examine witnesses called in support of the charges. The hearing will be recorded and transcribed if requested by the parents, the student or The Academy.

4. At the conclusion of the hearing, administration shall deliberate in executive session and shall render a decision to dismiss the charges; to suspend the student for a specified period of time; or to terminate the placement of the student from The Academy. The Academy administration or its counsel, by direction of the Owner/ Director, shall promptly prepare and transmit to the parents/guardians written Findings of Fact, Conclusions of Law and Decision.

### **OWNER/ DIRECTOR REVIEW**

In the event an associated party finds issues in a Finding of Fact, Conclusion of Law and Decision which orders that the student's placement at The Academy be involuntarily terminated, the student or student's parent/guardian may request that the decision be reviewed by the Owner/ Director.

1. The Request for Review of the initial decision must be made in writing and filed with the Owner/ Director within five (5) days following service of the Findings of Fact, Conclusions of Law and Decision on the student or student's parent/guardian.
2. The Compliance Office shall forward the Request for Review to the Owner/ Director who shall review the Findings of Fact, Conclusions of Law and Decision together with the record of the hearing before the Compliance Office.
3. The Owner/ Director may accept, reject or modify the Findings of Fact, Conclusions of Law and Decision of the case. The Owner/ Director shall communicate the results of the review to the student or student's parent/guardian within ten (10) days following receipt by the Owner/ Director of the Request for Review.
4. Review by the Owner/ Director is a matter of right under this Policy only in a case of termination of placement. In other cases, the student or student's parents/guardian may request review by the Owner/ Director, but review by the Owner/ Director shall be discretionary. If the Owner/ Director has taken no action within thirty (30) days of receipt by the Owner/ Director of the Request for Review, the decision of the review team shall stand.

According to CFR 668.46 (b) (11) (vi) if a disciplinary hearing is the direct result of actions related to dating violence, domestic violence, sexual assault, or stalking as defined in 34 CFR 668.46 (a) then the following will also apply to the hearings outlined above:

1. Provide the accuser and the accused the same opportunities to have others present during the hearing, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
2. There shall be no limit to the choice of the advisor or presence for either the accuser or the accused in any meeting or disciplinary hearing; however, The Academy may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as such restrictions apply equally to both parties.
3. Simultaneous notification, in writing, shall be provided to both the accuser and the accused including:
  - a. All results of any Academy disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking.
  - b. The Academy's procedure for the accused and the victim to appeal the result of the disciplinary proceeding
  - c. Any changes to results
  - d. When results become final

Both parties are entitled to a prompt, fair and impartial proceeding which includes:

1. Completion within the timeframes as established in Academy disciplinary guidelines.
2. Disciplinary timeframes may be extended for good cause, with written notice, to the accuser and the accused stating the reason for delay.

Disciplinary hearings shall be conducted as follows:

1. In a manner that is consistent with Academy policies and transparent to both the accuser and the accused.
2. Includes timely notice of meetings which the accuser or the accused, or both may be present.
3. Provides timely and equal access to the accuser, the accused and appropriate officials to any information that will be used during informal or formal disciplinary hearings.

4. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
5. Evidence presented is clear and convincing in demonstrating a preponderance of facts.

### Sanctions

The following sanctions may be imposed following the results of any Academy disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking.

The Responsible Administrator(s) and the applicable disciplinary policy will be determined as follows:

- The Responsible Administrators for allegations of Sexual Misconduct against an Academy staff member are the Compliance Director and the faculty member's direct supervisor. Possible sanctions include verbal counseling, written warning, probation, reassignment, demotion, reduction in pay, suspension, termination of faculty employment, and a ban from campus. If the Compliance Director and the direct supervisor conclude there may be adequate cause for involuntary termination of the faculty member's employment, the Owner/ Director will be consulted and must give final approval for the termination.
- The Responsible Administrator for allegations of Sexual Misconduct against a student is the Compliance Office, which shall administer any discipline consistent with the Investigation and Administrative Review Process. Possible sanctions include counsel and education, referral (to a responsible person or agency—e.g., reconciliation process), warning, probation, suspension withheld, short suspension, suspension, dismissal, and a ban from campus.
- The Responsible Administrators for allegations of Sexual Misconduct against a visitor to campus who is neither a student nor an employee of the institution are the Compliance Director and Owner/ Director. Possible sanctions include banning the visitor from all or a part of the institution campus.

The resolution shall include, in addition to any discipline imposed, reasonable steps designed to correct any discriminatory effects on the accuser and on others who may have been affected, and to prevent the recurrence of any discriminatory or otherwise inappropriate actions. Possible protective measures that may be imposed following the investigation include the following: making interim measures permanent, offering remedies and accommodations to the accuser, implementing changes in programs or activities, or providing training for the campus community or specific groups or individuals.

The Responsible Administrator will communicate the outcome of the investigation and resolution, including any sanctions, and The Academy's procedures to appeal the results in writing to both the accuser and the accused simultaneously ("Outcome Notice"). However, the Responsible Administrator may choose not to disclose the discipline imposed by the resolution, and will not disclose the discipline imposed on a student except under one of the following circumstances:

- The discipline directly affects the other party—such as when the student is ordered to stay away from the other party, is transferred to another class, a schedule change is required or is suspended or dismissed from The Academy.
- The accuser alleged Sexual Misconduct involving a crime of violence or a non- forcible sex offense
- The student gives his or her written permission to disclose the discipline.

The Academy may also report findings of criminal misconduct to the police.

Sanctions imposed must be based upon a consideration of all the circumstances in a particular case, mitigating and aggravating circumstances may be considered. Repeated violations are likely to result in progressively severe sanctions and one or more may be imposed. It is important to note that in all cases, the Compliance Director reserves the right to use his or her discretion in determining the appropriate sanction for a case. All decisions regarding responsibility and appropriate sanctions as a result of any Academy disciplinary proceeding regarding dating violence, domestic violence, sexual assault or stalking will be given simultaneously, in writing to both the accuser and the accused. Both the complainant and the respondent have the right to meet with the Compliance Director, give an impact statement, or discuss mitigating factors for the purposes of influencing the sanctions, and shall be informed of the outcome of the corrective action or disciplinary process. An accused student who is sanctioned may appeal a conduct determination which will consist of a review of the existing record by a different Academy director. The ability of an accused employee who is sanctioned to appeal will be determined by the OWNER/ DIRECTOR. Any changes due to appeal will be given simultaneously, in writing to both the accuser and the accused.

All parties will be informed in writing as soon as is practical and will be notified when the results of the resolution process become final.

The Academy will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by The Academy against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of such crime or offense, The Academy will provide the results of the disciplinary proceeding to the victim's next of kin, if so requested.

*Institutions are required to provide both the accused and the accuser with simultaneous written notification of any result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking. In these cases, it is not necessary for a victim to make a written request.*

### Result

"Result" is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

### Training

The officials who are chosen to conduct proceedings to address allegations of dating violence, domestic violence, sexual assault and stalking must receive training at least once a year.

Training is updated as necessary to address the latest issues and techniques for conducting proceedings on these topics from beginning to end. Training for these officials address but is not be limited to the following topics:

- Relevant evidence and how it should be used during a proceeding
- Proper techniques for questioning witnesses
- Basic procedural rules for conducting a proceeding
- Avoiding actual and perceived conflicts of interest.

This training is delivered through interactive online learning videos. Officials are trained in topics directly related to their responsibilities.

### Registered Sex Offenders

In accordance with the federal Campus Sex Crimes Prevention Act (CSCPA) and the New Mexico Sex Offender Registration Act, notice must be given of registered sex offenders to institutions of higher education if the offender is employed, carries on a vocation, or is a student at the institution. This information is available upon request in the Compliance Office. Information regarding registered sex offenders residing within a specific New Mexico geographic location can be accessed through the following website:

<http://www.communitynotification.com/counties.php?state=NM>

## CRIME STATISTICS

CRIMINAL OFFENSES			
OFFENSE	Year	Geographic Location	
		On Campus Property	Public Property
MURDER / NON-NEGLIGENT MANSLAUGHTER	2015	0	0
	2016	0	0
	2017	0	0
MANSLAUGHTER BY NEGLIGENCE	2015	0	0
	2016	0	0
	2017	0	0
RAPE	2015	0	0
	2016	0	1
	2017	0	2

FONDLING	2015	0	0
	2016	0	1
	2017	0	3
INCEST	2015	0	0
	2016	0	0
	2017	0	0
STATUTORY RAPE	2015	0	0
	2016	0	0
	2017	0	0
ROBBERY	2015	0	0
	2016	0	7
	2017	0	2
AGGRAVATED ASSAULT	2015	0	0
	2016	0	3
	2017	0	4
BURGLARY	2015	0	0
	2016	0	0
	2017	0	0
MOTOR VEHICLE THEFT	2015	0	0
	2016	0	27
	2017	0	48
ARSON	2015	0	0
	2016	0	1
	2017	0	0

The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.

- INDIVIDUAL STATISTICS FOR RAPE, FONDLING, INCEST AND STATUTORY RAPE WERE NOT COLLECTED PRIOR TO THE 2015 DATA COLLECTION. PRIOR TO THE 2015 COLLECTION, RAPE AND FONDLING STATISTICS WERE COMBINED UNDER SEX OFFENSES - FORCIBLE, AND INCEST AND STATUTORY RAPE STATISTICS WERE COMBINED UNDER SEX OFFENSES - NONFORCIBLE.
- AS OF THE 2015 DATA COLLECTION, STATISTICS FOR SEX OFFENSES - FORCIBLE AND SEX OFFENSES - NONFORCIBLE WERE NO LONGER COLLECTED.

VAWA OFFENSES			
OFFENSE	Year	Geographic Location	
		On Campus Property	Public Property
DOMESTIC VIOLENCE	2015	0	0
	2016	0	0
	2017	0	0
DATING VIOLENCE	2015	0	0
	2016	0	0
	2017	0	0
STALKING	2015	0	0
	2016	0	0
	2017	0	0

The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.

- STATISTICS FOR VAWA OFFENSES WERE NOT COLLECTED PRIOR TO THE 2015 DATA COLLECTION.

ARRESTS			
OFFENSE	Year	Geographic Location	
		On Campus Property	Public Property
WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	0
	2016	0	0
	2017	0	1
DRUG ABUSE VIOLATIONS	2015	0	0
	2016	0	0
	2017	0	3
LIQUOR LAW VIOLATIONS	2015	0	0
	2016	0	3
	2017	0	1

The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.

DISCIPLINARY ACTIONS			
OFFENSE	Year	Geographic Location	
		On Campus Property	Public Property
WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	0
	2016	0	0
	2017	0	0
DRUG ANUSE VIOLATIONS	2015	0	0
	2016	0	0
	2017	0	0
LIQUOR LAW VIOLATIONS	2015	0	0
	2016	0	0
	2017	0	0

The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.

HATE CRIMES						
OFFENSE	Year			Geographic Location		
	Offense Type	2015	2016	2017	On Campus Property	Public Property
MURDER / NON-NEGLIGENT MANSLAUGHTER	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0

	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
MANSLAUGHTER BY NEGLIGENCE	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
RAPE	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
FONDLING	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

INCEST	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STATUTORY RAPE	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ROBBERY	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
AGGRAVATED ASSAULT	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0

	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
BURGLARY	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
MOTOR VEHICLE THEFT	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ARSON	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0

	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
SIMPLE ASSAULT	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
LARCENY-THEFT	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
INTIMIDATION	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

DESTRUCTION/DAMAGE/ VANDALISM OF PROPERTY	Race	0	0	0	0	0
	Religion	0	0	0	0	0
	Sexual Orientation	0	0	0	0	0
	Gender	0	0	0	0	0
	Gender Identity	0	0	0	0	0
	Disability	0	0	0	0	0
	Ethnicity	0	0	0	0	0
	National Origin	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.

- PRIOR TO THE 2010 DATA COLLECTION, SIMPLE ASSAULT STATISTICS WERE REPORTED AS ANY OTHER CRIME INVOLVING BODILY INJURY.
- LARCENY-THEFT, INTIMIDATION, AND DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY STATISTICS WERE NOT COLLECTED PRIOR TO THE 2010 DATA COLLECTION.
- AS OF THE 2010 DATA COLLECTION, NEGLIGENT MANSLAUGHTER IS NO LONGER A CATEGORY BECAUSE IT CANNOT BE A HATE CRIME.
- INDIVIDUAL STATISTICS FOR RAPE, FONDLING, INCEST AND STATUTORY RAPE WERE NOT COLLECTED PRIOR TO THE 2015 DATA COLLECTION. PRIOR TO THE 2015 COLLECTION, RAPE AND FONDLING STATISTICS WERE COMBINED UNDER SEX OFFENSES - FORCIBLE, AND INCEST AND STATUTORY RAPE STATISTICS WERE COMBINED UNDER SEX OFFENSES - NONFORCIBLE.
- AS OF THE 2015 DATA COLLECTION, STATISTICS FOR SEX OFFENSES - FORCIBLE AND SEX OFFENSES - NON-FORCIBLE ARE NO LONGER COLLECTED.
- THE GENDER IDENTITY CATEGORY OF BIAS WAS ADDED IN THE 2015 DATA COLLECTION.
- AS OF THE 2015 DATA COLLECTION THE ETHNICITY/NATIONAL ORIGIN CATEGORY OF BIAS WAS SPLIT INTO SEPARATE ETHNICITY AND NATIONAL ORIGIN CATEGORIES.

These hate offenses manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity / national origin.

UNFOUNDED CRIMES			
OFFENSE	Year	Geographic Location	
		On Campus Property	Public Property
TOTAL UNFOUNDED CRIMES	2015	0	0
	2016	0	0
	2017	0	0

The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.

- STATISTICS FOR UNFOUNDED CRIMES WERE NOT COLLECTED PRIOR TO THE 2015 DATA COLLECTION.

### Distribution of the Annual Security Report

The annual security report is distributed to all currently enrolled students (including those attending less than full-time and those not enrolled in Title IV programs or courses) and all employees by Oct. 1 each year. Distribution is done via email. The Academy also provides a hard copy of the report to any prospective student or prospective employee upon request.

*A prospective student is defined as an individual who has contacted an eligible institution requesting information about admission to that institution.*

*A prospective employee is defined as an individual who has contacted an eligible institution requesting information concerning employment with that institution.*

Annual Security emails are sent on or before October 1st each year. It is sent as individual notice to each student and employee. The email includes a statement of the report's availability, a list and brief description of the information contained within the report and a link to the exact URL at which the report is posted. A statement that the Academy will provide a paper copy of the annual security report upon request. The annual security report is provided free of charge to the campus community.

Providing the Annual Security Report to Prospective Students and Employees

The Academy providing prospective students and prospective employees with a notice containing:

- A statement of the report's availability
- A description of its contents
- The opportunity to request a copy

This information is provided this prospective students and prospective employees along with other information The Academy provides to them upon their initial inquiry for program or employment information.

If revisions are made to the annual security report, The Academy will redistribute the annual security report following the procedures for proper distribution. Notification to students and employees would also apply if the annual security report is revised and posted online.

## **Retaining Records**

The Academy retains the annual security report and all supporting records used in compiling the report for three years from the latest publication of the report to which they apply—in effect, seven years.

Records to be kept include, but are not limited to, the following:

- Copies of crime reports
- 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
- Copies of notices to students and employees about the availability of the annual security report.

Documents should be to dated and ensure they are easily retrievable. Scanned paper documents for archival purposes must be complete document.

