

# 2007 ANNUAL SECURITY REPORT - TAOS

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# Southern Methodist University Police Department

## Annual Security Report—Taos, New Mexico (Ft. Burgwin)

January 01, 2007 - December 31, 2007

### Introduction

The security and well being of our community is of great concern to Southern Methodist University. The SMU Police Department and all other employees of the University are dedicated to keeping the campus a great place to live and work. However, this type of environment depends on the cooperation and involvement of individuals in safeguarding themselves and others.

#### ***The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act***

Pursuant to 20 United States Code section 1092(f), the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," and the Code of Federal Regulations (CFR) requires that each institution of higher education in the United States which participates in federal student aid programs must produce and distribute an annual report containing crime statistics and statements of security policy. Failure to provide required information or the inclusion of inaccurate information may result in fines up to \$27,500 per violation imposed by the U.S. Department of Education (DOE).

#### **The Campus Security Act – Legal Requirements**

- Publish an annual report every year by October 1<sup>st</sup> that contains three (3) years worth of crime statistics and certain security policy statements including sexual assault policies.
- Disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other University/College officials who have "significant responsibility for students and campus activities".
- Provide "timely warning" notices of those crimes that have occurred and pose an "ongoing threat to students and employees".
- Disclose in a public crime log any crime that occurred on campus or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department."

This publication, in keeping with the requirements of the Clery Act, is designed to aid in the cooperative effort of providing the public with specific information on campus security, crime statistics for the most recent three-year period, alcohol and drug use, crime prevention, police operations and authority, policies relating to reporting crime and campus disciplinary procedures.

Each year, a bulk e-mail notification is made to all employees and enrolled students regarding the availability of the Annual Security Report. A printed copy of this report may be obtained by writing the SMU Police Department at P.O. Box 750334 Dallas, TX 75275 or by coming in person to the SMU Police Department administrative offices located at 3128 Dyer Street in Patterson Hall during normal business hours Monday - Friday. This report is also published on the SMU Police Department web page at [www.smu.edu/pd/2007/annualreport2007-Taos.pdf](http://www.smu.edu/pd/2007/annualreport2007-Taos.pdf).

# **Campus Security**

## **Facilities Security**

The SMU in Taos campus, Fort Burgwin, is located outside the city limits of Taos. It is situated in the mountains south of town and is surrounded by Carson National Forest. In addition to Fort Burgwin, SMU owns the land across the highway to include the Pot Creek Pueblo and Interpretive Trail.

The Fort is composed of academic/administrative buildings, a library and computer center, recreation areas, hiking trails, a cafeteria and residential facilities called casitas. Students reside in casitas that are not open to the public or visitors. The campus is rugged, heavily forested and consists of gravel and dirt roads. The National Park Service regulates how much exterior lighting may be installed in the area and caution should be taken when walking alone due to rugged terrain and wild animals. The area around Fort Burgwin is sparsely populated and little crime is ever reported.

Most campus buildings and facilities are accessible to members of the campus community, guests and visitors during normal business hours. Access to the buildings after business hours is restricted unless they are sites for specific classes or events.

Visitors to Ft. Burgwin are not allowed into the residential area and are required to stay in the common areas and buildings. Visitors to campus are welcome, but are expected to adhere to all University regulations and policies. Visitors are encouraged to contact the Administrative Offices for information on University regulations. The University reserves the right to restrict the access of any person who does not adhere to University policies and procedures. Any person may be required, upon request by any University official, to present identification while on campus.

Residents are encouraged to report all suspicious people to Fort Burgwin staff.

## **Maintenance, Grounds and Lighting**

University facilities, lighting, and landscaping are maintained so as to reduce hazardous conditions within the limits allowed by Ft. Burgwin's remote location. Many restrictions are in place due to the fort's location in a national forest. Malfunctioning lights and other unsafe conditions are reported for repair or correction on a daily basis to the Facilities Office.

## **Crime Prevention Programs**

The SMU Police Department posts an officer at Fort Burgwin when summer classes are in session. The officer lives on campus and is available twenty-four hours a day. The officer patrols campus and responds to calls for service. Additionally, students may talk to the officer about security and crime prevention issues. The Fort falls within the jurisdiction of both the Taos County Sheriff's Department and the New Mexico State Police.

Crime prevention is a tool utilized to encourage student, faculty and staff to be aware of ways to reduce their chances of becoming victims of crime. While it is impossible to prevent all crime, awareness is the key to preventing the opportunity for crimes to be committed.

Other than one on one contact during the summer months when SMU Police Officers are assigned to Taos, there are no scheduled crime prevention programs offered. Students attending SMU at Taos have the opportunity during the Fall and Spring semester to attend crime prevention programs on the main campus in Dallas, Texas. Some of the programs offered at the Main Campus are:

**SHARP Program:** The Sexual Harassment, Assault and Rape Prevention program, taught by one of the SMU Police Officers, is offered once a week throughout each semester through the Dedman Center for Lifetime Sports on the main campus. This is a self-defense program designed specifically for women. The program is also conducted in the residence halls and sorority houses.

## **SMU AWARE**

This is a campus preparedness program developed by the SMU Risk Management Department to handle emergency/disaster situations. An emergency response plan has been developed to handle everything from everyday emergencies to emergencies on a larger scale such as tornados, floods, hazardous material spills, and terroristic threats. The SMU Police Department is committed to emergency preparedness planning to ensure the safety of everyone on our campus.

### **Silent Witness Anonymous Reporting Program** (Part of the SMU AWARE campaign)

The Silent Witness Program was created to provide SMU community members and other persons a way to confidentially report suspicious or criminal activity while remaining anonymous. Anonymous tips may be provided in two different formats. A person may call **214-SMU-2TIP** (214-768-2847) to provide information anonymously via a voice-recorded phone line. This phone line is not answered and the caller's number is not received or traced. Information may also be provided online at [www.smu.edu/2tip](http://www.smu.edu/2tip). A person completes an online form, which is sent via untraceable e-mail, directly to the police department. **YOUR ANONYMOUS TIP COULD STOP A CRIME:** By calling the **2TIP** phone line or utilizing the **2TIP** webpage and providing information on suspicious or criminal activity, individuals may assist police in protecting the campus while maintaining their anonymity. **HELP US PROTECT YOUR CAMPUS!! BE A SILENT WITNESS!**

### **Operation ID:**

This is an on-going program that involves engraving a driver's license or student identification number on valuable items of personal property. Engravers are available at the SMU Police Department.

## **Monitoring of Off-Campus Student Activity**

When a SMU student is involved in an off-campus incident, SMU police officers may assist with the investigation in cooperation with local, state or federal law enforcement. The Taos County Sheriff's Office and the New Mexico State Police routinely communicate with the SMU Police Department on any serious incidents occurring in the immediate areas surrounding the Taos campus.

## **Jurisdiction of the University Police**

### **Law Enforcement Authority of Campus Security Personnel**

The SMU Police Department assigns a state-certified Texas Peace Officer at Fort Burgwin when summer classes are in session. The officer lives on campus and is available twenty-four hours a day. The officer patrols campus and responds to all criminal incidents and calls for service.

State Law prohibits SMU Police Officers from performing law enforcement functions on private universities in the state of New Mexico. In the event of a criminal offense or emergency situation, the assigned SMU Police Officer coordinates the investigation through the New Mexico State Police or Taos County Sheriff's Office as required.

SMU Police Officers have complete University Judicial Authority and are permitted to refer any student violating local, state or federal laws to the Office of the Dean of Students. Students may also be referred for violations of the Student Code of Conduct.

## **Municipal Law Enforcement Jurisdiction**

In addition to the SMU Police Department (SMU PD) officer on campus, the campus falls under the jurisdiction of both the Taos County Sheriff's Department and the New Mexico State Police. Taos County EMS will respond for medical emergencies while the Taos Fire Department and National Forest Service firefighters will respond for reports of fire.

## **Reporting Crime**

### **Procedures for Reporting Crimes and Other Emergencies**

All University community members and guests of the University are encouraged to report suspected criminal activity to the police as soon as possible. Fires, health emergencies and all criminal activity should be immediately reported to the Taos County Sheriff's Office via the 911 system, the on-site officer, the Program Director or the Program Director. Violations of University policies and procedures by anyone may be reported to other University Officials including the Dean of Student Life Office in Room 302, Hughes-Trigg Student Center (main campus) or by calling 214-768-4563. The department also has an anonymous tips program where community members can leave information without providing their identity. The Silent Witness anonymous tips phone line is **8-2TIP** on campus or **214-SMU-2TIP** from cell phones/off campus phone lines. An anonymous tip may also be sent to the police department via an online form at [www.smu.edu/2TIP](http://www.smu.edu/2TIP), which will send an untraceable e-mail directly to the police department.

### **Reporting Crimes to Other Campus Security Authorities**

#### **Who Are Campus Security Authorities?**

The *Clery Act* also mandates that institutions must disclose statistics both for crimes reported to local police agencies and crimes reported to campus security authorities. Campus security authorities include the following:

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, the following areas:
  - Vice President for Student Affairs
  - Dean of Student Life
  - Director of Residence Life and Student Housing
  - All Head Coaches and Assistant Coaches for all areas in the Athletic Department.
  - All Associate Athletic Directors

- Law School – Associate Dean for Student Affairs
  - Director of SMU-in-Legacy
  - Director of SMU-in-Taos (includes Program and/or Academic Director)
- **An 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 institution.

The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many people, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

Examples of individuals who DO NOT meet the criteria for being campus security authorities include a faculty member who does not have any responsibility for student and campus activity beyond the classroom, clerical staff, custodians and maintenance personnel and cafeteria staff. A pastoral or professional counselor on campus does not have significant responsibility for student and campus activity and are exempt from reporting crimes to the campus police. However, physicians and nurses of the Memorial Health Center who treat a victim of a violent crime that occurred on the campus or a facility, under the control of the university, must disclose the reported crime to the university police. They are not required to release the names of victims/patients.

### **Responsibilities of a Campus Security Authorities**

Because of the law's complex reporting requirements, the most reasonable and effective way to manage the reporting is as follows: If Campus Security Authorities observe any crime listed below, or if any person reveals to a Campus Security Authority, in good faith, that he/she learned of or were the victim of, perpetrator of, or witness to any crime listed below, the Campus Security Authority must immediately notify the SMU Police Department.

Crimes that should be reported are:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- All hate crimes involving bodily injury
- All liquor, drug or weapons law violations resulting in an arrest

Definitions of these crimes may be found beginning on page 8 of this report or the SMU Police web site at [www.smu.edu/pd](http://www.smu.edu/pd) .

Clery Act crimes reported to local municipal police will be included as long as the municipal police agency notifies the SMU Police and the reported crime occurred in an area for which the institution is responsible.

### **Reporting Crimes Outside of the SMU Jurisdiction**

The SMU Police Department makes a good faith effort to stay informed of all criminal activity involving students at off-campus locations. Surrounding municipal agencies, state law enforcement agencies (such as the Taos Police Department, Sheriff's Department, State Police, National Forest Police) and Federal agencies routinely inform campus police about incidents where their officers contact SMU students.

# **Timely Warnings**

## **CRIME ALERT**

In order to keep the SMU community informed about serious crimes and security issues, timely warnings may be issued in the form of a Crime Alert. Crime Alerts are issued on a case-by-case basis in a manner that will provide notification to the campus community about certain reportable criminal incidents that occur on or very near the campus. The institution must also believe the criminal incident poses a continuing threat to the community and the alert will aid in the prevention of similar crimes in the future.

The crimes that typically result in a timely warning are referred to herein as "Clery Act Crimes". These crimes, as defined by 34 CFR 668.46(b) (c), are listed below:

<b>Criminal Homicide</b> (1) Murder and Non-Negligent Manslaughter (2) Negligent Manslaughter
<b>Forcible Sex Offenses</b> (1) Forcible Sexual Assault (2) Forcible Sodomy (3) Sexual Assault with an Object (4) Forcible Fondling
<b>Non-Forcible Sex Offenses</b> (1) Incest (2) Statutory Rape
<b>Robbery</b>
<b>Aggravated Assault</b>
<b>Burglary (this does not include burglary of a motor vehicle)</b>
<b>Motor Vehicle Theft</b>
<b>Arson</b>

These crimes must have occurred within those areas of the campus that are specifically defined in 34 CFR 668.46(a). These areas are broken down into four categories:

On Campus Property

Residential Facilities     *(Definitions for these categories can be viewed by visiting [www.securityoncampus.org](http://www.securityoncampus.org))*

Non-Campus Property

Public Property

**\* SMU will not necessarily issue timely warnings for every Clery Act criminal incident that is reported since that specific incident may not pose a continuing threat to the community. Certain**

**Clery Act crimes like motor vehicle theft, for example, occur infrequently on the campus at random locations. Suspect information is often never provided or determined. Individuals should exercise due care and caution to avoid being victimized. Check out the crime prevention tips posted by the SMU Police to deter these crimes or attend a crime prevention briefing.**

### **CRIME ALERT (Off Campus)**

SMU may post a Crime Alert (Off Campus) for certain Clery Act crimes occurring outside the jurisdiction of the SMUPD, when timely notification is received by the SMU PD and the offense is considered to represent a serious or continuing threat to the students and employees of SMU-in-Legacy due to the nature of the crime, and/or proximity to the campus

Even though this action is not required by law, SMU strongly believes in supporting the spirit of the Clery Act by informing the community about certain crimes that are reported in the areas immediately surrounding our campus; yet still outside the normal SMU police patrol area.

### **When are timely warnings issued?**

In accordance with the published guidelines used to interpret 34 CFR 668(e), the decision to issue a timely warning is made on a case-by-case basis in light of all facts surrounding the crime, including factors such as the nature of the crime, the continuing danger to the community, and the possible risk of compromising law enforcement efforts. Neither the Clery Act nor the Department of Education defines "timely". The Department of Education has stated the warning should be issued as soon as the pertinent information is available.

SMU will attempt to issue the warning within 24 hours from the time the offense is reported to the SMU Police. Furthermore, timely warnings may be issued for other offenses not covered by this regulation if a determination is made that the warning will aid in preventing similar offenses from occurring.

### **How are Timely Warnings Issued?**

Timely warnings will be printed on brightly colored posters and distributed around the SMU-in-Taos campus in all housing areas, dining areas, academic buildings and administrative buildings. The SMU News and Information office may send out a campus wide email message containing the alert information if deemed necessary. Timely Warnings will also be published on the SMU Police Department web page.

In extreme cases where there is an imminent and immediate threat to the university community, SMU (Office of Emergency Management) has designed a redundant notification system that employs campus-wide text messages, voice messages, emails, web pages and city sirens that are public address capable. In addition, low-tech solutions include bullhorns, walkie-talkies, and runners delivering messages word of mouth, all with the goal of notifying the campus community, regardless of disaster-related communication failures.

### **Crime Definitions:**

#### ***Murder – Non-negligent Manslaughter***

The killing of another person intentionally and with premeditation.

#### ***Negligent Manslaughter***

The killing of one human being by another through gross negligence.

#### ***Robbery***

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

### ***Aggravated Assault***

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

### ***Burglary***

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

### ***Motor Vehicle Theft***

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

### ***Weapon Law Violations***

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

### ***Drug Abuse Violations***

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, and codeine); marijuana; synthetic narcotics (Demerol, Methadone), and dangerous non-narcotic drugs (GHB, Rohypnol, and Ecstasy).

### ***Liquor Law Violations***

The violation of laws or ordinances prohibiting: manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; driving under the influence as a minor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Public Intoxication and Driving While Intoxicated are Penal Code violations and are not included in this definition.)

## **Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program**

### ***Sex Offenses-Forcible***

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

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

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

**C. Sexual Assault With An Object**-The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against

that person's will; or not forcibly or against the person's will; where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

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

### **Sex Offenses-Non-forcible**

#### **Unlawful, non-forcible sexual intercourse.**

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

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

### **Arson**

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

## **Monitoring and Recording Criminal Activity**

The SMU Police Department tracks and records index crimes occurring on **ALL** SMU campuses and in those areas immediately contiguous to the main campus where many students live and frequently access.

- Non-campus buildings or property owned or controlled by student organizations that are recognized by the University.
- Non-campus buildings or property owned or controlled by the University that are used in direct support of, or in relation to, the University's educational purposes, are frequently used by students, and are not in the same reasonable contiguous geographic area of the University; and
- Public property including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus. The jurisdiction of the SMU Police department does not extend to public property contiguous to the campus; therefore the department has a limited role in investigating criminal activity at these locations. The department's role is limited to information sharing, cooperation, and coordination with the investigating local law enforcement agency.

## **CRIME STATISTICS (2005-2007)**

There were no criminal offenses (to include liquor law, drug and weapons violations) reported in 2005 or 2006 by the Taos County Sheriff's Office or the New Mexico State Police for the SMU in Taos campus or areas contiguous to the campus. In 2007 there were also no offenses reported by the Taos County Sheriff's Office for the SMU in Taos Campus. This information was received from the New Mexico Department of Public Safety. The Taos Police Department has no jurisdiction over the SMU in Taos campus..

## **Hate Crimes - Main Campus (2005-2007)**

Reported by category of prejudice, any crime reported that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

There were no hate crimes reported at the Taos campus in 2005, 2006 and 2007.

## **Sexual Assault**

SMU is a community of trust whose very existence depends on adherence to standards of conduct. Student conduct that violates these standards is handled through the University Student Judiciary. Cases of alleged student misconduct involving serious physical or psychological harm are referred to the SMU Student Judiciary Serious Offense Judicial Board. This includes cases involving sexual misconduct and/or sexual assault or attempted sexual assault. (What follows is a summary of policies and procedures on sexual misconduct and sexual assault. Please consult the University Judicial Code section for these policies and procedures in their entirety.)

### **WHAT CONSTITUTES SEXUAL ASSAULT (New Mexico 30-9-11. Criminal Sexual Penetration)**

New Mexico Criminal Statutes states:

- A. Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.
- B. Criminal sexual penetration does not include medically indicated procedures.
- C. Criminal sexual penetration in the first degree consists of all sexual penetration perpetrated:
  - 1. on a child under thirteen years of age; or
  - 2. by the use of force or coercion that results in great bodily or great mental anguish to the victim.

Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.

- D. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:
  - 1. on a child thirteen to eighteen years of age when the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit;
  - 2. on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate;
  - 3. by the use of force or coercion that results in personal injury to the victim;
  - 4. by the use of force or coercion when the perpetrator is aided or abetted by one or more persons;
  - 5. in the commission of any other felony; or
  - 6. when the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual penetration in the second degree, is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of Sections 31-18-17, 31-18-25 and 31-18-26.

- E. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion.

Who ever commits criminal sexual penetration in the third degree is guilty of a third degree felony. Whoever commits criminal sexual penetration in the third degree when the victim is a child who is thirteen to eighteen years of age is guilty of a third degree felony for a sexual offense against a child.

- F. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:
1. not defined in Subsections C through E of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or
  2. perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.

### **EDUCATIONAL PROGRAMS THAT PROMOTE AWARENESS**

The Coordinator of Psychological Services for Women conducts educational programs at the main campus in Dallas, Texas on sexual assault for students through the Wellness Program, the Orientation Week Program, the Extended Orientation Program (EOP) in the residence halls, and seminars for specific groups as requested. In addition, confidential, ongoing counseling for student survivors of sexual assault is available with the Coordinator of Psychological Services for Women and can be arranged through the Counseling and Testing Center. Confidential, ongoing counseling for faculty and staff survivors of sexual assault is available through the Counseling and Testing Center on a fee basis.

Women's Center: The Women's Center of Southern Methodist University empowers women and men on campus through educational programming and leadership opportunities designed to increase awareness of gender equity issues. Through advocacy, information, and referral services, the Women's Center provides a safe haven for students struggling with issues of injustice and oppression. The Women's Center annually sponsors a Women's Symposium. The Center also unites with other community and campus partners on violence prevention, which includes sexual assault.

The Women's Center is located at 3116 Fondren Drive (@ the intersection of Airline & Fondren). Hours are from 8:30 a.m. - 5:00 p.m. Monday through Friday. Extended hours and weekends are available by reservation only. Call 214-768-4792 or fax 214-768-3475 to schedule.

Victims may also contact the local New Mexico Rape Crisis Center for support.

### **WHAT TO DO IF YOU HAVE BEEN SEXUALLY ASSAULTED?**

Students, faculty, and staff are encouraged to report sexual assaults to the SMU Police, as well as the New Mexico State Police, whether the assault occurs on or off campus, no matter who the alleged assailant is. Students may report sexual assaults to SMU Police Officer assigned to Fort Burgwin, the Dean of Student Life Office, any University official, or the SMU Women's Center. Reporting a sexual assault to University officials or a pastoral counselor does not automatically initiate a criminal investigation. It is important for persons who have been sexually assaulted to contact the police who will arrange for immediate medical attention and initiate a criminal investigation. The Coordinator of Psychological Services for Women is available to accompany students who have been sexually assaulted to the hospital and for counseling, if desired. A medical examination called a "Rape Kit Exam," conducted by an area hospital, will help preserve important evidence of the sexual assault if the person who has been sexually assaulted decides later to prosecute.

**Remember-If you have been sexually assaulted:**

1. **Call 911 on campus.**
2. **Contact the SMU Police for assistance and liaison with the Taos County Sheriff's Office at 214-768-3388.**
3. **DO NOT** shower, bathe, or douche.
4. Have a trusted friend take you to the local hospital. A nurse or doctor will perform a rape kit examinations. Take the clothes in which you were assaulted with you to the hospital.
5. Call the Coordinator of Psychological Services for Women at 214-768-4795. She will meet you at Parkland Hospital.
6. Obtain counseling services through the SMU Counseling and Testing Center at 214-768-2211 or call 214-768-4796 for a community referral.
7. Remember it is not your fault. You will recover.

(Some information obtained from the Women's Center website.)

## **HOW TO FILE A SEXUAL ASSAULT COMPLAINT**

In order to file criminal charges, the complainant should contact the SMU Police Officer assigned to the SMU at Taos campus, who will coordinate the investigation with the New Mexico State Police. The complainant may also report the sexual assault to Administrative personnel by calling (505)-758-8322, who will then notify the local law enforcement agency.

If the complainant elects not to file criminal charges, but still wishes to proceed with formal administrative charges, an investigation is conducted. The case is referred to the SMU Serious Offense Judicial Board, a group specially trained to hear serious offense cases.

This board is composed of six members (three students, one faculty member, one staff member, and one non-voting SMU Law School faculty member, who serves as chair). A hearing is held following the procedures outlined in The University Judicial Code, Section V, Serious Offenses - Student Judicial Procedures.

Such procedures include opportunities for both the complainant and the accused: to attend the hearing and present evidence on their own behalf; to challenge any member of the Serious Offense Judicial Board on grounds of prejudice; to have their parents and one support person from the SMU community attend; to present either in writing or in person the testimony of witnesses; to cross-examine witnesses; to request to have her/his living arrangements (if living in campus housing) modified pending the outcome of the student judicial proceedings if the accused is living near the complainant; and not to have his or her sexual history discussed during the hearing. However, evidence of a recent sexual relationship between the accused and the complainant may be considered if the accused asserts consent as a defense.

In addition, the accused has the right to appeal the decision of the Serious Offense Judicial Board to the University Judicial Council. Students found responsible for sexual misconduct or sexual assault face sanctions imposed by the student judiciary ranging from judicial reprimand to expulsion.

## **Sex Offender Registry and Access to Related Information**

The federal **Campus Sex Crimes Prevention Act**, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

State law requires persons convicted of or placed on deferred community supervision for certain offenses to register as sexual offenders. Offenders who committed "sexually violent" offenses (most contact

offenses) must register for the remainder of their life, even after completing probation or parole. Others (some non-contact offenses) may quit registering ten years after completing their term of supervision.

You can access the sex offender registration files for Texas free of charge through the <http://www.txdps.state.tx.us> website.

You can access the sex offender registration files for New Mexico free of charge through the <http://www.nmsexoffender.dps.state.nm.us/> website.

## **Alcohol**

The University is dedicated to providing a healthy, comfortable and productive environment for students, faculty, staff, and guests. All members of the University community are expected to maintain self-control. Conduct should be consistent with ideals of academic excellence, health, and responsible social behavior, including recognition of the rights of others. In recognition of the University being owned by the South Central Jurisdiction of the United Methodist Church, community members are urged to adhere to the Social Principles of the United Methodist Church which states:

We affirm our long-standing support of abstinence from alcohol as a faithful witness to God's liberating and redeeming love for persons. Since the use of alcohol and illegal drugs is a major factor in crime, disease, death, and family dysfunction, we support educational programs encouraging abstinence from such use. (*The Book of Discipline of the United Methodist Church*, para.66j).

It is also recognized that Southern Methodist University is a community of free and open inquiry in which adults are encouraged to make responsible decisions in their lives, including abstinence from or careful use of alcohol. The University recognizes the freedom of conscience that determines such issues, but cautions that such freedom does not imply license to violate the law or university policy.

## **New Mexico State Law**

All members of the University community should at all times be cognizant of and comply with state and local liquor laws. It is unlawful in the state of New Mexico for any person under the age of 21 to possess, purchase, or consume alcoholic beverages, except when with either a parent or adult spouse. Possession or consumption of alcohol is prohibited on University property except where expressly permitted. Consumption or possession of alcoholic beverages by minors, regardless of location, is a violation of this policy. Providing of alcoholic beverages to minors other than where the law provides is also prohibited. A violation of this policy subjects the offender(s) to the possibility of University disciplinary process and/or action by law enforcement authorities.

## **Possession and Consumption**

The possession and consumption of alcoholic beverages on campus is prohibited. This includes all residential areas, public areas, roads, and academic/administrative buildings. All alcoholic beverages are prohibited, including kegs and other similar containers - including, but not limited to, 1/2 kegs, party balls or pony kegs.

## **University Education Programs**

The Southern Methodist University Alcohol and Drug Abuse Prevention, Education and Intervention Program philosophy is rooted on the premise that problems associated with the use and abuse of alcohol and other drugs transcend individual responsibility. We believe that the community in which it occurs shares in the responsibility for its prevalence to the extent it accepts, condones and enables individual and group behavior that is supportive of the use and abuse of alcohol and other drugs. An extension of

this philosophy is the firm belief that communities have the responsibility to take ownership of the problem, identify effective responses and institutionalize these responses. It is within this philosophical framework that we developed the program at SMU.

### **Center for Alcohol & Drug Abuse Prevention**

Memorial Health Center, 2nd Floor  
6211 Bishop Boulevard  
P.O. Box 750195  
Dallas, Texas 75275-0195  
ph. 214-768-4021

The Memorial Health Center is located at 6211 Bishop Blvd on the SMU Campus, just to the north of the Meadows School of the Arts and south of the Umphrey-Lee Center.

**Hours:** 8:30 a.m. to 5:00 p.m. - Monday through Friday

The Center offers several Substance Abuse Education Classes to include AlcoholEdu for College, E-Toke, Marijuana 101 (online), 'Because I Care' and other on campus and off campus (state-certified) classes. The university has created a Task Force on Substance Abuse Prevention, as well as supporting a peer-education program called BACCHUS (Boosting Alcohol Consciousness Concerning the Health of University Students). A 'Live Responsibly' campaign was started in 2007 establishing a dedicated website for information related to alcohol and drug abuse, as well as other emergency and medical resources.

For more information regarding the Center for Alcohol and Drug Abuse Preventions and related programming, visit <http://www.smu.edu/healthcenter/alcoholeducation>.

Additional information regarding Drug Free Schools and Campus Act/Penalties for Drug and Alcohol Offenses can be found at:

#### **Drug Free Schools and Campus Act:**

[http://www.smu.edu/healthcenter/alcoholeducation/adp\\_drugfreeinfo.asp](http://www.smu.edu/healthcenter/alcoholeducation/adp_drugfreeinfo.asp)

#### **Penalties for Drug and Alcohol Offenses:**

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## **Drugs**

Every SMU student shall be responsible for compliance with all local, state, and federal laws regarding controlled substances including, but not limited to, their use, sale, distribution, possession, or manufacture. Violations of any local, state, or federal law regarding controlled substances may subject the person to disciplinary proceedings in the University Judicial System without regard to any proceedings in local, state, or federal courts.

When the standards of conduct regarding illicit drugs are violated, sanctions may be imposed by the judicial system. Possible sanctions include, but are not limited to, a fine, assignment to community service, notification of parents, probated suspension, time-frame suspension, or expulsion.

Sanctions upon conviction in the criminal court system for possession, distribution, or manufacture of controlled substances range from fines to probation to imprisonment. Amounts of fines, terms of

probation, or years of imprisonment generally are contingent upon the circumstances and amounts of drugs in possession, sale, distribution, or manufacture.

### **University Education Programs**

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## **General Crime Prevention Tips**

- Walk in groups. Avoid walking alone, particularly after dark. Contact SMU Police or the Program Director for a security escort whenever possible. If walking alone is unavoidable, be aware of your surroundings and let someone know when to expect you.
- Avoid shortcuts. The shortest route is not always the safest route. Walk along well-lit areas and carry a flashlight as an additional lighting source.
- Dress for mobility, particularly after dark.
- Avoid deserted areas. Watch out for and avoid bears.
- Never jog alone.
- Do not jog while wearing stereo headphones. It's important to be alert to what's happening around you.
- Carry your personal belongings in a backpack or similar container that will enable your arms and hands to be free at all times.
- Avoid approaching your car with bundles that restrict use of your arms. If you've been shopping, ask the store for assistance.
- Always have your keys ready to unlock the door to your car or residence and enter without delay. Lock the doors after you get inside.
- Before entering your car, look in the back seat and on the floorboard.
- Always lock car doors and windows when you leave or enter your car.
- Never leave belongings in plain view in your car. Lock them in the trunk.
- If someone in a vehicle attempts to stop you - even to ask for directions - do not get close to the vehicle.
- Register, engrave, mark, and/or photograph all your valuables including bicycles, stereos, jewelry, vehicles, computers, etc.
- Avoid using ATMs in dark, isolated areas; it's best to use machines that are highly visible in public areas such as supermarkets.
- Never flash your cash. Always have "emergency" change for a phone call.
- Be responsible with alcohol. If you are intoxicated, you are less alert and an easier target for robbers and attackers.
- Stay on existing trails, or choose the most durable surfaces available: rock, gravel, dry grasses or snow.
- Do not attempt to take photographs of wild animals unless you can do so without disturbing them or altering their behavior in any way. This is best accomplished by using a zoom or telephoto lens. (Causing an animal to move away from you is an example of altering their behavior.)
- Don't mistake passive behavior in an animal as a sign that you are safe around that animal.
- Leave young animals alone; a protective mother is usually nearby.
- Keep a clean campsite.
- Keep food and "smellables" out of your tent.
- Do not feed wild animals.
- Never approach or follow wild animals.
- Avoid aggressive behavior:
  - Direct eye contact, even through a camera.
  - Walking directly toward an animal.
  - Following an animal that has chosen to leave.
  - Circling or standing around an animal.
  - Never tease or attempt to pick up wildlife.

### **Security in the Residence Areas**

- Never leave your door open, even if you will be gone for only a few minutes; especially, never prop any door open. Always lock doors, screens, and windows to prevent uninvited access to your room.
- Don't mark your room key or key chain with your name, address, or telephone number.
- Do not give anyone a key to your room.
- Do not leave valuables in plain sight.
- Never let strangers into your casitas. This puts you and others at risk.
- Be aware of suspicious persons and activities. If you observe someone or something suspicious, notify the SMU Police Officer assigned to campus or the Administrative Office at (505) 758-8322 (business hours), (505)751-4112 (after business hours).
- Never leave food or garbage outside. Store garbage in bear-proof containers or containers in secure areas such as a garage, basement, or shed.
- Clean and store grills when not in use. Do not throw good scraps outside.
- Secure all food, toothpaste, soap and trash at night or when not in use by:
  - a. Storing items inside a vehicle.
  - b. using bear proof storage systems when available.
- Do NOT cook or store food in or near your tent. Odors attract bears.

## **Helpful Telephone Numbers**

### **Police/Fire/Ambulance Emergency - 911**

New Mexico State Police Non-Emergency	505/758-8878
SMU at Taos Administrative Offices	505/758-8322
SMU at Taos After Hours Contact	505/751-4112
SMU Police Non Emergency-Main Campus	214/768-3333
SMU Police Administration-Main Campus	214/768-1582
Police Operations-Main Campus	214/768-1580
Dean of Student Life	214/768-4560
Judicial Officer	214/768-4562
SMU Women's' Center	214/768-4792
SMU Counseling and Testing	214/768-2211
SMU Health Center	214/768-2211