

New Mexico Institute of Mining and Technology
Office of Research and Economic Development
Sexual Harassment Procedures

New Mexico Institute of Mining and Technology (NMT) is committed to fostering a culture of civility, diverse and inclusive excellence in which persons of all identities and from all backgrounds feel welcomed, supported, and encouraged to engage in the free and open exchange of ideas. NMT's dedication to excellence means that attendees at university-sponsored events can expect to experience a safe environment free of discrimination and harassment. Behaviors that do not uphold the highest standards of integrity and professional ethics are contrary to NMT's mission and values. NMT also complies with Title IX regulations. Principal Investigators (PI) and Co-PI(s) on federal awards are in a position of trust. These individuals must comport themselves in a responsible and accountable manner during the award period of performance, whether at NMT, on-line, or at locales such as field sites, facilities, or conferences/workshops. These individuals will adhere to the NMT [Code of Conduct](#).

It is the policy of the National Science Foundation (NSF) that all personnel supported by NSF awards must comport themselves in a responsible and accountable manner during the award performance period to help ensure all NSF-funded research and learning environments are free from harassment. NSF will not tolerate sexual harassment, other forms of harassment, or sexual assault within the agency, at awardee institutions, field sites, facilities, conferences, workshops, online or anywhere NSF-funded science or education is conducted.

To that end, the NSF's [Proposal and Award Policies and Procedures Guide](#) (PAPPG) – Chapter II.E.8, Conferences requires “that conference proposers have a policy or code-of-conduct that addresses sexual harassment, other forms of harassment, or sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. This policy or code-of-conduct must be disseminated to conference participants prior to attendance at the conference as well as made available at the conference itself.”

The National Institutes of Health (NIH), [Notice Number NOT-OD-22-074](#) outlines NIH's expectations that organizers of “NIH-supported conferences and scientific meetings (R13/U13) take steps to maintain a safe and respectful environment for all attendees by providing an environment free from discrimination and harassment.” Among other strategies that support a safe environment, NIH Guidance recommends establishing a conference “safety plan” with clearly stated expectations of behavior, systems of reporting, and procedures for addressing inappropriate behavior.

When submitting an NSF or NIH conference proposal, NMT certifies that prior to the meeting, the PI and meeting organizer will create a written policy/code-of-conduct/safety plan that addresses prohibited conduct such as sex discrimination,(e.g. sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity), sex-based harassment (e.g. quid pro quo, hostile environment, and specific offenses [e.g. sexual assault/violence, domestic violence, dating violence, and stalking], and other forms of harassment that includes clear and

accessible means of reporting violations of the policy or code-of-conduct. The conference code-of-conduct must be available on the conference website (see page 6 for an example).

In addition, NSF does not fund travel to conferences that do not have such a policy or code of conduct in place. If a PI is using NSF funds to travel to a conference, please check the conference website to confirm a policy is in place. Print the conference policy and attach it to the travel authorization request. This document must be attached to the travel authorization form in order to Sponsored Projects to approve the use of NSF funds to attend the conference.

NMT will remove any PI or Co-PI who has been found in violation of a prohibitive conduct from any federal award. The PI or Co-PI may face administrative action including being placed on administrative leave. NMT will report to NSF any finding or determination regarding an NSF PI/Co-PI that demonstrates a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault. NMT will also report to NSF if an NSF PI/Co-PI is placed on administrative leave or if any administrative action has been imposed on the PI/Co-PI relating to any finding/determination from an investigation of an alleged violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.

Training

All NMT researchers including PIs, Co-PIs, scientists, post-docs, and students complete annual training to help prevent harassment. NMT requires all new employees to receive New Employee Sexual Misconduct & Title IX Training (in-person or online) within the first 30-days of their hire date. New employee supervisors and Vice Presidents are notified of non-compliance and are asked to take immediate action. Employees are required to participate in annual mandatory reporter training (in-person or online).

All new students attending the NMT campus are required to complete the New Student Sexual Misconduct & Title IX Training (in-person or online). New students have until the end of the third week of their initial semester/term to complete the training to avoid a hold placed onto their student account. This hold will prevent students from registering for their next semester until which time they complete the training.

Regular sexual misconduct and prevention programs are made available to the student body (Active Bystander Training, Hook-up Culture and Healthy Relationships). Students are not required to attend these regular, ongoing trainings, unless their student club requires their attendance. Resident Assistances (RAs) are required to attend at least annual training and usually at the start of each semester.

NSF Subawards

Subaward agreements for NMT NSF awards will outline the subawardee's responsibility to report PIs' or co-PIs' violations of awardee policies, codes of conduct, statutes, regulations, or executive orders related to sexual harassment, other forms of harassment or sexual assault directly to NSF.

Reporting

All employees at NMT are considered mandatory reporters except for those employees working at the NMT Health Center and NMT Counseling Center. Any visitor, student, or employee who experiences any form of Sexual Misconduct on the NMT Campus or at an NMT sponsored activity can report the incident to these our mandatory reporters who are then obligated to report the incident to the institution's [Title IX](#) Coordinator for resolution. Reports can also be made:

- Complete and submit NMT's online Title IX & Sexual Misconduct [Reporting Form](#) by clicking the URL below or by cutting and pasting this URL into your browser https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1
- Complete and submit the [Campus-wide reporting Form for Harassment and Other Prohibited Behaviors](#)
- Notify NMT Campus Police at (575) 835-5555; Campus Police Department is located in the Student Activities Center.
- Notify NMT's Title IX Coordinator at (575) 835-5953 or (575) 322-0001; Fidel Student Center 238.
- Notify NMT's Dean of Students at (575) 835-5548; Fidel 241.
- Notify NMT's Dean of Graduate Studies at (575) 835-5513; Fidel 280.
- Notify NMT's Human Resources Director for employees and work-related incidents at (575) 835-5955; Brown Hall 118D.
- Notify NMT's Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC) at (575) 835-5005; Cramer Hall, Room 115.
- Notify a Residential Life staff member (575) 835-5900, a Resident Assistant (RA), or talk to a trusted professor or administrator.
- Talk Confidentially to one of NMT's Counselors or Health Care Providers at the Student Health Center (575-835-5094) or Counseling Center (575-835-6619); both located together in a suite on the 1st floor of Fidel Student Center, Suite 151.
- Contact the NM Sexual Assault Program 505-883-8020.

All other forms of harassment or prohibited conduct should be reported to NMT's Office of Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC) at (575) 835-5005; Cramer Hall, Room 115. Individuals can also utilize the [Campus-wide reporting Form for Harassment and Other Prohibited Behaviors](#).

The NMT Title IX Office will notify the Director of Human Resources of any employee or Research Assistant (student employee) that has been found to have violated NMT's Sexual Misconduct Policy specifically those violations of sex discrimination, (e.g. sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity), sex-based

harassment (e.g. quid pro quo, hostile environment, and specific offenses [e.g. sexual assault/violence, domestic violence, dating violence, and stalking], NMT groups these prohibited behaviors as Sexual Misconduct and are covered under the NMT Sexual Misconduct Policy. Those alleged sexual misconduct violations that fall under Title IX regulations will follow the NMT Title IX Procedures for processing, notification, investigations, adjudications, and sanctioning as needed.

Reporting Findings of NSF PI/Co-PIs to NSF

NMT will notify NSF:

- (1) Any finding/determination regarding the PI or any co-PI that demonstrates a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault; and/or
- (2) if the PI or any co-PI is placed on administrative leave or if any administrative action has been imposed on the PI or any co-PI by the awardee relating to any finding/determination of an investigation of an alleged violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.

If an Administrative Adjudicator or Adjudicative Panel finds an employee to be in violation of a Prohibitive Conduct (e.g. Title IX, harassment), and after the established appeal process has been exhausted, that decision will be sent to Human Resources and placed in the employee's personnel file.

1. The Director of Human Resources will contact Sponsored Projects for a list of current NSF PIs and Co-PIs. The Director of Affirmative Action will serve as backup/designee to the Director of Human Resources.
2. If the person is an NSF PI or Co-PI, Human Resources will notify the Vice President of Research that a finding will need to be reported to NSF to determine if s/he will replace the PI/Co-PI on the award or take other action.
3. If the person is an NSF PI or Co-PI, the Director of Human Resources or their designee will report to NSF within ten business days from the date of the finding/determination using the NSF form:
https://www.nsf.gov/od/oecr/awardee_civil_rights/notification_form.jsp The notification will include all information required by NSF including
 - a) NSF award number
 - b) name of PI or co-PI being reported
 - c) type of notification
 - d) description of the finding/determination
 - e) action taken (if any)
 - f) reason(s) for, and conditions of, placement of the PI or any co-PI on administrative leave or imposition of administration action.
 - g) name of substitute investigator (if proposed by the VPR)
4. If a substitute investigator will be named by the VPR, NMT will process this request through research.gov.

Plan for a Safe and Inclusive Work Environment

NMT requires a [Plan for a Safe and Inclusive Work Environment](#) be created and distributed to each participant in advance of departure for an NSF sponsored off-campus research activity. Off-campus or off-site research is defined as "data/information/samples being collected off-campus or off-site, such as fieldwork or research activities on vessels and aircraft." The creation and distribution of the plan is the responsibility of the PI. Once funded, the PI must give of copy of this plan to every participant before conducting the off-site research (regardless of when they join the team). This plan must be submitted to NMT Research Office before a PI's proposal is submitted to NSF. NMT will confirm a plan is in place as part of the proposal submission processes. See page 8 for a template.

NSF Supported Events - Code of Conduct Policy for Conference Proposals Sample

The National Science Foundation (NSF) Proposal Award Policy and Procedure Guide (PAPPG), effective February 25, 2019, requires applicants requesting NSF funds for the purpose of carrying out a conference, symposia, or workshop, to have a policy or code of conduct in place that addresses prohibited conduct such as sex discrimination, (e.g. sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity), sex-based harassment (e.g. quid pro quo, hostile environment, and specific offenses [e.g. sexual assault/violence, domestic violence, dating violence, and stalking], and other forms of harassment, and that includes clear and accessible means of reporting violations of the policy or code of conduct. Further, this policy or code of conduct must be disseminated to the participants prior to their attendance, as well as, at the conference, symposia, or workshop.

The following message complies with the above NSF requirements and should be provided to all participants prior to and upon arrival at any NSF supported conference, symposia, or workshop carried out after February 25, 2019. The notice should also be attached to the conference website.

Dear NSF Conference/Symposia/Workshop Participant:

This event is supported all or in part by the NSF under Award No. _____ and is governed by the NSF PAPPG which became effective February 25, 2019. Chapter II.E.8 of this guide requires that we provide all event participants with information on the University's policy on sexual harassment, other forms of harassment and sexual assault as well as information about how to report any violations of such policy. For purposes of this requirement, "other forms of harassment" is defined as "Non-gender or non-sex-based harassment of individuals protected under federal civil rights laws, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders."

New Mexico Institute of Mining and Technology (NMT) is committed to creating and maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in NMT programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation.

NMT has policies, which prohibit discrimination, harassment, and sexual violence and address how to report such violations. These policies include the NMT [Harassment Policy](#), and [Affirmative Action Policy](#), Code of Conduct, and the [NMT Policy on Sexual Misconduct](#). These policies cover admission, employment, access, and treatment in University programs and activities.

The [NMT Policy on Sexual Misconduct](#) addresses prohibited conduct such as sex discrimination, (e.g. sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity), sex-based harassment (e.g. quid pro quo, hostile environment, and

specific offenses [e.g. sexual assault/violence, domestic violence, dating violence, and stalking], and other forms of harassment (i.e. “Prohibited Conduct”). This Policy outlines NMT’s responsibilities and expectations related to Prohibited Conduct in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment. The [NMT Title IX Procedures](#) addresses the process to resolve Prohibited Conduct that falls under Title IX jurisdiction.

NMT [Harassment](#) Policy refers to but is not limited to harassment due to age, race, color, national origin, ancestry, religion, sex, physical or mental disability, medical condition, or veteran status. The Policies applies to all University faculty, staff, and students (undergraduates, graduates, and professional students), and third parties.

Employees must report incidents of sexual harassment, sex-based discrimination, or sexual violence to the campus Title IX Coordinator (575-835-5953, titleixcoordinator@nmt.edu or Fidel Student Center Rm. 238), utilizing the online Title IX & Sexual Misconduct [Reporting Form](#), by visiting the [NMT Title IX Office Website](https://www.nmt.edu/titleix/) (<https://www.nmt.edu/titleix/>) or by calling 575-835-5953. Any person may report sexual misconduct through the [NMT on-line reporting form](#). Any person can report harassment to NMT’s Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC) at (575) 835-5005; Cramer Hall, Room 115 or complete and submit the [Campus-wide reporting Form for Harassment and Other Prohibited Behaviors](#)

Template
Safe and Inclusive Working Environment Plan for Off-Campus or Off-Site Research

This template has been designed to help you identify special circumstances of your research. You will need to complete the boxes on the template document for your specific grant. **Text in red must be completed by the PI.** Text in black is the NMT requirement.

1. Proposal title	
2. Plan date	
3. Version	1
4. NMT proposal routing number	
5. Award number	TBD
6. PI Name, cell phone, email	
7. Location of off-campus research activity.	
8. Estimated departure and return dates.	If not known at the time of the proposal put TBD. You will need to update the document when you receive the award and have the trip planned.
9. List of participants	List all faculty, staff and students, as well as sub-awardee and collaborating organizations participants. If you don't know who will be participating (by name) at the time of the proposal you will update this form when you know names of all participants. You may be need to update more than once if you have multiple trips and participants vary by trip.
10. Description of the field setting and unique challenges for the team (include if the work is fieldwork, or research on vessels or aircraft).	Include any special circumstances that necessitate special plans. Are participants at sea or other remote locations without ability to make contact with university reporting offices? Is there only a single satellite phone available for the group? Are there physical or other barriers that may require special attention to ensure full participation? Is it likely there will be no transportation to a safe space available? Is there variance in cultural norms which might necessitate advance awareness training (such as if you are going to a country that is not friendly to LGBTQ). Are you in rural NM where there is no cell service and all participants came in a single car? What arrangements are in place to manage these circumstances?
11. Steps to nurture an inclusive off-campus or off-site working environment.	PI has confirmed participants have taken the "Sexual Misconduct and Title IX Awareness Training" with the NMT Title IX office. PI will have a team meeting before leaving, discuss what participants should do if something happens, and hand out this information. You must describe what Subawardee participants will do.

12. Communication processes within the off-site team and to the organization(s) that minimize singular points within the communication pathway.	Will participant's cell phones work? If not, are you taking a satellite phone? There should not be a single person overseeing access to a single satellite phone. There should be multiple persons off-site a participant can communicate with if they can't reach NMT.
13. Recommended contact for any reporting suspected misbehavior (i.e. Prohibited Conduct).	<ul style="list-style-type: none"> • Peter Phaiah, Title IX Coordinator - titleixcoordinator@nmt.edu - 575-835-5953 or 575-322-0001) • Theresa Kappel, Director of Student Access Services - theresa.kappel@nmt.edu - 575-835-5899 <p>You must describe what Subawardee participants will do.</p>
14. Mechanism that will be used for reporting issues of harassment if they arise.	<ul style="list-style-type: none"> • Peter Phaiah, Title IX Coordinator - titleixcoordinator@nmt.edu - 575-835-5953 or 575-322-0001) • Theresa Kappel, Director of Student Access Services - theresa.kappel@nmt.edu - 575-835-5899 • NMT on-line reporting procedures • NMT on-line reporting form <p>You must describe what Subawardee participants will do.</p>
15. Mechanism that will be used for responding to, and resolving issues of harassment if they arise.	What is the plan to remove the person from the situation? Can they just drive themselves home? Will someone go with them?
16. Other Comments or Information that participants may find useful.	You may want to include local police and medical services numbers. For international trips, it is wise to include embassy/consulate contact information if not already provided.

Email completed form to Judith.mcshannon@nmt.edu before submitting your proposal to NSF.
Do NOT submit your plan to NSF unless your RFP requires you do so.
Give a copy of completed form to all participants before leaving campus.

Instructions for Completing the Template Safe and Inclusive Working Environment Plan for Off-Campus or Off-Site Research

New Mexico Tech (NMT) requires a plan for a safe and inclusive work environment be created—and distributed to each participant—in advance of departure for an NSF sponsored off-campus research activity. Off-campus or off-site research is defined as "data/information/samples being collected off-campus or off-site, such as fieldwork or research activities on vessels and aircraft." The intent of this requirement is to provide guidance and protection for participants when they do not have ready access to the on-campus, in-person resources they normally do. All research participants need to know how to recognize and report inappropriate behavior and receive guidance in advance about how to feel safe and protected, even when they are away from campus. This plan must be submitted to NMT before your proposal is submitted to NSF. NMT will confirm we have this plan as part of the proposal submission processes.

This requirement applies only to research activities, not “other sponsored projects.” Participants include employees, students, volunteers, and others working under NMT’s direction (which includes sub-awardees and collaborating organizations).

- If participants are sufficiently distant from campus such that access to these resources is more limited than they would be if they were on campus, then a plan is needed.
- If your participants continue to have access to campus, no plan is needed.
- Work from home by an individual employee would not be considered “off-campus”.
- “Day trips” or excursions (e.g., to public places, schools, the state fair, a mall) where participants are returning without an overnight stay would not normally require a plan. But, a plan should be created if the nature of the off-campus research activity is likely to create a larger-than-normal opportunity for harassment to occur (e.g., studies looking at sexual activities, incarcerated individuals, prior knowledge of harassment in the same setting, etc.)
- Attendance or presentation of research results at a conference does not require a plan. If participants will also engage in the conduct of research activities while attending a conference, a plan is required.
- The lead institution creates the plan for the entire effort including collaborative proposals and proposals with sub-awards. If NMT is leading the effort, you may need to ask for training and contacts at the partner organizations so faculty and students can report incidents to their own organization. When leading these proposals, please share your plan with partner organizations and get agreement on a proposal-wide plan before submitting the proposal.
- You may contact Judy McShannon with questions - Judith.mcshannon@nmt.edu
575-835-6940

You may use or re-use the same plan throughout your grant if your off-site work is the same throughout the grant period. If the work varies (e.g., fieldwork in a remote location one year and research activities at another US institution at another time), you may need to update your plan to reflect the needs pertinent to each activity and re-distribute the updated plan. **The creation and distribution of the plan is the responsibility of the PI. Once funded, you must give this plan to every participant before conducting the off-site research (regardless of when they join the team).**