INTERNAL DISCRIMINATION COMPLAINT PROCEDURES GUIDELINE

NMSU ARP Section 3.25 - Discrimination, Harassment and Sexual Misconduct on Campus

FORMAL COMPLAINT:

- **A formal complaint is filed with OIE**
  - OIE reviews complaint form and any attachments

- **Complaint is denied by OIE**
  - OIE notifies complainant of the denial and appeal option to Provost
  - If the complainant chooses to appeal, the Provost reviews the appeal and **upholds** denial – Provost’s office issues letter to complainant. This action exhausts the available internal remedies

  **OR**
  - If the complainant chooses to appeal, the Provost reviews appeal and **does not uphold** OIE denial – Provost issues letter to complainant and remands complaint to OIE for action

- **Complaint is accepted by OIE**
  - OIE investigates relevant issues, secures appropriate statements and prepares report for (Provost) administrative review

- **Provost (or designee) reviews report and renders a decision using the preponderance of evidence standard**
  - Provost’s decision **finds** a violation of *NMSU policy* and issues memo to OIE
  - OIE issues determination letter to complainant, the accused individual and appropriate administrators. This action exhausts the available internal remedies.

- **Penalties/Sanctions:**
  - Cases for students who are found to have violated the *NMSU Student Code of Conduct* and/or *NMSU Policy Manual* will be referred to Assistant Dean of Students. Sanctions for students may include action up to and including expulsion.
  - Cases for employees who are found to have violated *NMSU Policy Manual* will be referred to Human Resource Services/Employee and Management Services. Sanctions for employees may include employment action up to and including termination in accordance with provisions of the *NMSU Policy Manual*.

- Provost’s decision **does not find** a violation of *NMSU policy* and issues memo to OIE

- OIE issues determination letter to complainant, the accused individual and appropriate administrators. This action exhausts the available internal remedies.