



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 an 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.