



# New Mexico State Related Policies

## **Additional Policies and Procedures**

### **CHILDREN IN THE ACADEMIC WORKPLACE**

Students, staff, faculty, and administrators can expect to attend and teach class, or complete work or research in laboratories, libraries, offices, and other workplaces with a minimum of distractions or interruptions. Consequently, the following regulations have been established, and will be enforced by the appropriate dean or administrative supervisor, to ensure that an appropriate academic environment is maintained:

1. Children visiting campus must be closely supervised by an adult at all times.
2. Children will be prohibited from entering dangerous settings such as labs and equipment rooms without the approval of the appropriate dean or administrative supervisor.
3. Children may not attend a class in session without the prior approval of the instructor. Children under the care of the instructor may not attend class without the prior approval of the immediate supervisor.
4. Children may, on rare occasions and with the approval of the supervisor, accompany a parent to the workplace. However, the expectation is that parents will make alternate arrangements for the care of their children during normal working hours.
5. Children taking part in programs and/or special events on-campus are expected to abide by the rules and regulations established by the program or event sponsors.

### **FAMILY EDUCATION RIGHTS & PRIVACY ACT OF 1974**

New Mexico State University maintains academic, disciplinary, and other records pertaining to students in accordance with the specifications of the Family Educational Rights and Privacy Act of 1974 and amendments. Students who are interested in acquiring access to their records should make their requests to the Chief Administrator of the following offices:

1. Admissions
2. Auxiliary Administration
3. Counseling and Student Development Center
4. Dean, College of Agriculture and Home Economics
5. Dean, College of Arts and Sciences
6. Dean, College of Business
7. Dean, College of Education
8. Dean, College of Engineering
9. Dean, Graduate School
10. Dean, College of Health and Social Services
11. Vice President for Student Success & Extended Learning
12. Dining Services
13. Financial Aid
14. Housing and Residential Life
15. Placement and Career Services
16. Registrar
17. Student Support Services
18. Vice President for Student Success

Directory information will be released upon request unless the student does not wish such a release and notifies the Registrar's Office in writing. Directory information includes student's name, address, e-mail address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended by the student.

Disclosure of the types of records maintained by the institution is available upon request by the student as are all other requirements stipulated by the Family Educational Rights and Privacy Act of 1974 as they pertain to New Mexico State University. Further information regarding details may be acquired from the Registrar's office.



# New Mexico State Related Policies

## FILM POLICY

In order to comply with the Federal Copyright Act (Title 17 United States Code) which governs how copyrighted materials, such as films/movies, may be used, it is strongly suggested that chartered student organizations and university departments of New Mexico State University review and adhere to the following guidelines as indicated by the Motion Picture Licensing Corporation when the proposed event involves the screening of a film/movie on the campus. The Department of Campus Activities will be available for consultation regarding the public performance licensing procedures, but will not be responsible for ensuring that the student organization or university department have complied with the intent of the law and have secured the appropriate license.

By law, as well as by intent, the pre-recorded videocassettes and DVDs (referred to henceforth as "Videos") which are available in stores throughout the United States are for all purposes intended for "home use only." Rentals or purchases of Videos do not carry with them licenses for non-home showings. Before you can legally engage in any non-home showings, you must have a separate license, which specifically authorizes such use.

Any institution, organization, company or individual wishing to engage in non-home showings of Videos should be aware of the Copyright Act's provisions governing the showing of Videos. The Copyright Act grants to the copyright owner the exclusive right, among others, "to perform the copyrighted work publicly." (Section 106 –FCA) In summary, the Copyright Act mandates:

- The rental or purchase of a Video does not carry with it the right "to perform the copyrighted work publicly." (Section 202 – FCA)
- Videos may be shown without a license in the home to "a normal circle of family and its social acquaintances" (Section 101 –FCA) because such showings are not "public."
- Videos may also be shown without a license for non-profit educational purposes and in certain narrowly defined "face-to-face teaching activities" (Section 110. 1- FCA) because the law makes a specific, limited exception for such showings. (Sections 106 and 110(1) – FCA)
- Other showings of Videos are illegal unless they have been authorized by license. Even "performances in 'semipublic' places such as clubs, lodges, factories, summer camps and schools are 'public performances' subject to copyright control." (Senate Report No. 94-473, page 60; House Report No. 94-1476, page 64)
- Institutions, organizations, companies or individuals wishing to engage in non-home showings of Videos must secure licenses to do so – regardless of whether an admission or other fee is charged. This legal requirement applies equally to profit-making organizations and non-profit institutions (Senate Report No. 94-473, page 59; House Report No. 94-1476, page 62)

Showings of Videos without licenses, when one is required, are infringements of the established copyright. If done "willfully and for purposes of commercial advantage or private financial gain," they are a federal crime and subject to a \$150,000 penalty per advantage or private financial gain," they are a federal crime and subject to a \$150,000 penalty per exhibition (Section 506 – FCA). In addition, even innocent or inadvertent infringers are subject to substantial civil damages (\$750 to \$30,000) for each illegal showing and other penalties. (Sections 502-505 – FCA)

### To Obtain Public Performance License

Obtaining a public performance license is relatively easy and usually requires no more than a phone call. Fees are determined by such factors as the number of times a particular movie is going to be shown, how large the audience will be and so forth. While fees vary, they are generally inexpensive for smaller performances. Most licensing fees are based on a particular performance or set of performances for specified films. The major firms that handle these licenses include:

Swank Motion Pictures, Inc.

<http://www.swank.com>

(800) 876-5577

Criterion Pictures

<http://www.criterionpicusa.com>

Motion Picture Licensing Corporation (MPLC)

<http://www.mplc.com>

(800) 462-8855



# New Mexico State Related Policies

## FREEDOM OF EXPRESSION POLICY

New Mexico State University recognizes and promotes an intellectually open campus. The free exchange of ideas through written, spoken, and other forms of expression reflects its public land-grant heritage, support of diverse points of view, and commitment to excellence in education and research.

### A. Campus Use for Free Expression

Any outdoor area that is generally accessible to the public may be used by any individual or group for petitioning, distributing written material, handing out newspapers, or conducting speech acts. Prior approval is not necessary as long as the primary action is not to advertise or sell a commercial product. Activities must follow all applicable fire codes, local, state, and federal laws.

Activities shall not:

- X Unreasonably obstruct vehicular or pedestrian traffic.
- X Block the entrances or exits to buildings and facilities.
- X Permanently occupy land areas or permanently locate signs and posters.
- X Erect permanent structures, shelters or camps.
- X Unreasonably interfere with classes, university work, and scheduled events.

In exercising the right of free expression, one must also accept the responsibility of following the laws related to the safety of people and property. If property damage or excessive littering occurs, or other unusual expenses are incurred by the university as a result of the event, event organizers may be held responsible for reasonable charges if deemed appropriate by the President or his/her designee.

### 1. Petitioning and the Distribution and Posting of Literature and Signs

- a. All literature distributed must contain identifying information either (1) the name of an NMSU sanctioned organization, or (2) the name and address (which may be an organization and e-mail address) of the unaffiliated entity or person or the telephone number of the unaffiliated entity or person for someone to contact in case of litter problems.
- b. Literature may be distributed hand-to-hand, through the use of tables, or by posting on designated bulletin boards and kiosks.
- c. Written materials may not be placed in non-approved locations. Written materials may not be placed on any part of a university building or structure without university permission. Posting on traffic signs, power poles, trees, and automobile windshields is not allowed.
- d. Tables are allowed as long as they do not unreasonably interfere with pedestrian traffic. Materials may not be left on unattended tables. While scheduling of tables is not required in advance, those individuals who have previously scheduled a site through the Campus Activities Office or other appropriate university offices will take precedence.

### 2. Group Speech Activities

- a. Group speech activities, including rallies, parades and demonstrations, that are advertised through public media including newspapers, radio, television, flyers, or electronic lists may need to be coordinated through the NMSU Police Department (as described in 2b).
- b. Any individual, group, or organization sponsoring a group speech activity that is expected to draw more than 100 persons at one time and uses public media for advertising must notify the NMSU Police Department no less than 72 hours in advance of the activity, so that the NMSU Police Department can take appropriate actions to ensure the safety of the event and issue a permit as proof of prior notification. Activities expected to draw 500 or more participants, or require road closures or detours, must be scheduled two weeks in advance.
- c. Any individual, group, or organization planning a group speech activity is encouraged to contact the Campus Activities Office in advance so that activities may be coordinated with appropriate university offices. This will allow for locations to be reserved or other concerns to be addressed, such as the use of sound amplification equipment. Contacting the Campus Activities Office is voluntary and does not constitute an approval process.
  - 1) All scheduling is done on a "first come, first serve" basis.
  - 2) Activities that are scheduled receive priority in the use of space on campus.

### 3. Electronic Sound Amplification

- a. The use of electronic sound amplification equipment is authorized in the open lots to the East of the Pan



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American Center and Aggie Memorial Stadium, the Corbett Center Outdoor Stage, and the “Aggie Pond” area off Espina Street, from 7:00 a.m. to 7:00 p.m. Sunday through Thursday, and from 7:00 a.m. to midnight on Friday and Saturday.

b. Sound amplification equipment may be allowed at other times and in other locations if coordinated in advance through the Campus Activities Office.

#### 4. Use of Chalk

a. Chalk may be used on campus as long as it is restricted to concrete walkways.

b. All chalk used must be of a temporary or removable nature. Permanent chalk, such as surveyor’s chalk, may not be used under any circumstances.

#### B. Policy Enforcement

Any person violating this policy will be subject to:

1. Being asked to cease and desist or to relocate by appropriate university employees acting within the scope of their duties.
2. Being ordered to leave the premises or property owned or controlled by the university by the police or a person in charge of the property.
3. Institutional disciplinary proceedings under the Student Code of Conduct if violation by a student. Violations by faculty or staff will be referred to the appropriate department or academic unit.
4. Arrest for violation of local, state, and federal law(s).
5. Restriction of future use of, or access to, the NMSU campus.

#### C. Reference to Other Policies Impacting Freedom of Expression

In the event that the terms of this policy conflict with other existing policies impacting freedom of expression in areas generally accessible to the public, the terms of this policy shall prevail.

#### FUND RAISING/SALES AND SOLICITATION

Raising funds is a means for campus organizations to supplement their other resources in meeting the goals of their organization. In order to avoid conflicts, duplications, or violation of laws or regulations, it is necessary to establish guidelines to aid in coordinating such activities.

Although the University supports organizational fund-raising efforts, it recognizes that the campus is not a market place to be exploited by opportune entrepreneurial projects. Fund raising is not the primary function of student organizations, and campus organizations do not have an implicit right to use the campus or the community for fund-raising activities.

Fund raising through sales and solicitations, both on and off-campus, are governed by University Sales and Solicitation Policies. Full text copies of these policies are available from the Campus Activities Office. The Director of Campus Activities makes interpretation of the Sales and Solicitation Policy. The Campus Activities Office is located in Corbett Center Student Union Room 235.

#### DINING REGULATIONS

Dining regulations are contained in the Dining Services contract, which each student agrees to when applying for dining services. Additional copies are available in the ID Card Office. Upon reasonable notice and for good cause the University reserves the right to terminate the dining agreement for failure of the student to abide thereby. Examples of good cause include, but are not limited to, failure to abide by the terms of the Dining Agreement, a change in student status (including academic or disciplinary suspension), or a failure to comply with the policies and regulations contained in the Campus Dining Services program brochure and/or official informational bulletins distributed by Campus Dining services which are hereby incorporated into Dining Services Agreement. Dining regulations are enforced under the Student Code of Conduct.



# New Mexico State Related Policies

## **HOUSING AND RESIDENTIAL LIFE APPLICATION ACCEPTANCE POLICY**

The University reserves the right to refuse to give a housing assignment to any student. Examples of reasons for refusal include, but are not limited to, individuals who have a criminal history, individuals who have behavioral problems which may, in the opinion of the University, negatively impact the group living environment, individuals who have been previously evicted from campus housing, or individuals who have poor rental histories.

## **HOUSING AND RESIDENTIAL LIFE REGULATIONS**

Housing regulations are contained in the Single Student Housing License Agreement, which each student agrees to when applying for housing services, as well as the "Housing and Residential Life Handbook," which each student receives at move-in. Additional copies are available at the Housing Office and all residential area offices. Students living off-campus are also subject to housing regulations when visiting residential areas. Housing regulations are enforced through the Housing and Residential Life Office as well as through the Student Code of Conduct.

## **PROCEDURES FOR ENTRY AND SEARCH OF UNIVERSITY-OPERATED HOUSING**

The University respects the student's desire for privacy within the realm of the group-living experience on state property and will make every effort to protect that privacy. Campus premises occupied by students and the personal possessions of students shall not be searched unless appropriate authorization has been obtained. Campus living quarters may be entered for the purposes and under the restrictions listed:

### **A. Procedures for Entry**

1. Maintenance - Premises may be entered after knocking, to give attention to health, sanitation, maintenance, and safety requirements.
2. Inspections - Housing personnel and any other appropriate University official or staff may enter any room/ house/ apartment for inspection purposes, with appropriate written notice. Twenty-four hours notice will be given whenever possible. Housing personnel or any other appropriate University official conducting the inspection shall report violations of University regulations and state or federal laws via established procedures.
3. Other
  - a. The University Housing staff may enter a room/ house/ apartment, after knocking, without written authorization when there exists immediate and compelling cause, i.e., loud noise, complaints from other residents, emergency circumstances (such as fire evacuation), or similar overt occurrences. Evidence of regulatory or statutory violations that exists in plain and open view of the entering staff members may be used in initiating disciplinary procedures.
  - b. In instances where immediate and compelling cause does not exist, written authorization from the individual in charge of the residential area or his superior must be obtained prior to entry. Such authorization must show reasonable cause, i.e., there must exist a reason to believe, other than mere suspicion, that violations of federal and state statutes or University regulations are occurring. If the occupant of the room/house/apartment is absent, a staff member of the residential area must be present during the entry. Evidence of regulatory or statutory violations that exist in plain and open view of the entering staff member may be used in initiating disciplinary procedures.
  - c. Police agency entry - Police entrance shall be governed by the requirements of customary legal investigative practice.

### **B. Procedures for Search**

Administrative Search - Upon presentation of reasonable cause, the Director of Housing and Residential Life or his/her superior may issue written authorization for the search of a designated room/house/apartment and the contents thereof. The authorization stating the reason(s), cause(s), or condition(s) necessitating the search shall be presented to the designated occupant(s) prior to the search. In execution of the search, the Director of Housing and Residential Life or his/her designee, the Coordinator for Residential Communities or his/her designee and the occupant should be present; however, it is not imperative that the occupant be present.



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## C. Appeal and Grievance Redress

1. Entry and Search Authorization Appeals - In cases where disciplinary procedures arise from evidence obtained on the basis of entry or search authorizations, the cause for, validity, or scope of the authorization may be challenged by the student-defendant and such challenge must be adjudicated by the University disciplinary system before any further action is taken.
2. Grievance Allegations - In such case that a student believes his guaranteed rights have been violated by an act of entrance or search, he/she may present written allegation of this belief to the Vice President for Student Success, who shall thereupon require an investigation of the allegation. Should this investigation demonstrate that a University employee has intentionally erred and violated a student's rights, this employee shall be subject to disciplinary action, including possible termination.

### **NONDISCRIMINATION POLICY**

The university is dedicated to providing equal employment and educational opportunities to all persons without regard to age, ancestry, color, disability, gender, gender identity national origin, race, religion, sexual orientation, , spousal affiliation or veteran status. The university strives to comply with all federal and state nondiscrimination laws, including:

- X Titles VI and VII, Civil Rights Act of 1964
- X Age Discrimination in Employment Act of 1975
- X Equal Pay Act of 1963
- X Pregnancy Act of 1978
- X Education Amendments of 1972, Title IX
- X Section 504 of the Rehabilitation Act of 1973
- X Vietnam Era Veterans Readjustment Act of 1974
- X Executive Order 11246
- X Executive Order 11141
- X Americans With Disabilities Act of 1990
- X Civil Rights Act of 1991
- X New Mexico Human Rights Act

This dedication extends to recruitment, hiring, promotion, compensation, training, benefits, separations, and to the availability and delivery of all educational, academic, and student welfare programs and services. The Office of Institutional Equity/EEO Office is responsible for assuring compliance with equal employment opportunity programs throughout the university. Any individual who wishes to file a discrimination complaint or discuss discrimination issues is encouraged to contact the Office of Institutional Equity/EEO Director or the Human Resources (Personnel) Director if the individual is uncomfortable reporting the complaint to the Office of Institutional Equity/EEO Director. For nondiscrimination complaints or matters, employees may contact the Assistant Director of Employee Relations, Hadley Hall, room 15, and the telephone number is 646-4148

To access the complete grievance procedures for discrimination, please refer to Chapter four, Section 4.05.10 of the New Mexico State University Policy Manual (dated September 8, 2006). Copies of this policy manual may be obtained via the Human Resources (Personnel) website at <http://www.nmsu.edu/manual/>

### **Sexual Harassment Policy/Hostile Work/Academic Environment**

To access the complete Sexual Harassment Policy, please refer to Chapter three, Section 3.94 of the New Mexico State University Policy Manual (dated September 8, 2006). Copies of this policy manual may be obtained via the Personnel website at <http://www.nmsu.edu/manual/>

All employees and students should be aware that the university is prepared to take action to prevent and remedy such behavior, and that individuals who engage in such behavior are subject to disciplinary action. Faculty and staff with actual or apparent authority who engage in sexual harassment or neglect to control the work environment may be held accountable. Anyone who may have been subjected to sexually offensive behavior or conduct in the classroom or work environment is encouraged to contact the Office of Institutional Equity/EEO Director. The office is located in O'Loughlin House on University Ave. and the telephone number is 646-3635.



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**DISABILITY:** Qualified students with disabilities are to be provided with reasonable accommodation in accessing buildings, programs, and services. Students are encouraged to contact Services for Students with Disabilities (at 646-6840) for academic related services, and may refer to the "Campus Directory" for resource information, telephone numbers, and Telecommunication Devices for the Deaf (TDD) locations. Disability based discrimination grievances may be filed according to the procedures set forth in Section 4.05.10 of the New Mexico State University Policy Manual (dated September 8, 2006).

## **PARKING AND TRAFFIC REGULATIONS**

Anyone who parks anywhere on-campus must obtain and display a parking permit, unless the vehicle is parked in a free lot or at a paid parking meter. The individual in whose name a vehicle is registered or a permit is issued with the Parking Office will be responsible for any violations of the Parking and Traffic Regulations. Additionally, all motor vehicle statutes of the State of New Mexico apply. Call 646-1839 or visit [www.nmsupolice.com](http://www.nmsupolice.com) for more information.

## **POSTING POLICY**

Written information may be posted on the NMSU campus at designated locations (a list may be obtained from the Campus Activities Office). Written materials may not be placed on automobile windshields, traffic signs, power poles, trees or any part of a university building or structure including walls, glass, doors or floors. Permission to use building bulletin boards is at the discretion of the building monitor and use must conform to facility operating policies where they exist.

Posters or signs providing directions or information related to a convention or special event may be placed on single stakes and displayed on the date of the event, but must be removed by the sponsoring group when the event is over.

Questions related to the interpretation of this policy should be directed to the Office of Campus Activities.

## **SMOKING POLICY**

Accumulating evidence has shown environmental or second hand tobacco smoke increases the risk of cancer and other health hazards for non-smokers as well as smokers. NMSU has a vital interest in maintaining a healthy and safe environment for its students, faculty, staff and visitors while respecting individual choice. Consistent with these concerns and the New Mexico Clean

Indoor Air Act, NMSA 1978, § 24-16-1 through 11, the following policy has been established to restrict smoking of tobacco, or any other weed or plant, and provide procedures for accommodating the preferences of both smokers and nonsmokers.

Smoking of tobacco products is prohibited in all buildings (exceptions below) owned or leased by the University as well as within 25 feet of entrance or exit, vehicles, and during some organized outdoor events on University property.

## **SMOKE FREE AREAS**

Smoking is prohibited in or at:

- all enclosed buildings and facilities including classrooms, offices, food service venues, lavatories, and most residence halls ( in accordance with Housing & Residential Life policies);
- within 25 feet of building entrances and exits (when reasonable) and fresh air intake grills unless it is a specially designated smoking area
- partially or fully enclosed walkways, corridors, elevators
- vehicles owned, leased or rented by the University; and
- within 50 feet of any area where flammable materials are handled or stored, or where other significant fire hazard may exist
- indoor athletic or other University-sponsored or designated events

No Smoking signs or the international no-smoking symbol will be posted at major entrances of all University buildings except for those campus residences where smoking is permitted.



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## **SMOKING PERMITTED AREAS**

Smoking is permitted outdoors on University property except during organized events which have been designated as “No Smoking”. Individuals choosing to smoke outdoors must be 25 feet from doorways, open windows, enclosed walkways, and ventilation systems to prevent smoke from entering enclosed buildings and facilities, and to prevent public access from being denied to an individual with a respiratory medical condition.

In accordance with Housing and Residential Life policies, smoking is permitted in those units which constitute private residences; when every one in the shared residence is a smoker or at the discretion of each Family Housing unit.

Fraternities and sororities will work toward an agreement, consistent with University policy during the 2006-07 school years.

## **EDUCATION AND SERVICES FOR SMOKERS**

In light of numerous adverse health effects associated with active smoking, and with exposure to second hand smoke, the University will provide educational services to faculty, staff, and students about the hazards of smoking and information and services on quitting smoking. In addition to consulting with their own health care providers, students, faculty, and staff may get assistance from the following University programs.

- Students may contact the NMSU Student Health Center for information and programs on quitting smoking.
- Faculty and staff may obtain assistance in smoking cessation through the Employee Health Center.

## **COOPERATION AND COMPLIANCE**

This policy relies on the mutual courtesy and cooperation of smokers and nonsmokers for its success. It is the responsibility of all members of the NMSU community to observe the provisions of this policy on smoking. Complaints or concerns or disputes regarding its implementation should be referred to the immediate supervisor for resolution. Environmental Health & Safety will assist in determining what distance or location is reasonable for the particular situation. If a resolution cannot be reached, the matter will be referred by the supervisor to the appropriate Department Head, Director, Dean, Vice President for mediation. Managers, Department Heads and unit Directors are responsible for seeing that persons in their areas are informed and comply with this smoking policy. Those having difficulty complying with these restrictions are encouraged to seek assistance from the resources listed in Section 4. Students, faculty, and staff violating this policy are subject to disciplinary action. Any person who commits an unlawful act under any of the provisions of the New Mexico “Clean Indoor Air Act” shall be fined in an amount not less than ten dollars or more than twenty-five dollars for each violation.

## **DISPOSAL OF TOBACCO WASTE**

Anyone who chooses to smoke or use smokeless tobacco on campus must discard the waste in an appropriate manner.

## **VACATING UNIVERSITY BUILDINGS OR PROPERTY**

The University recognizes the importance of providing a venue where members of the community can freely and openly express their ideas. However, if an individual(s) and/or organization improperly or illegally occupy university buildings or property, the following statement will be read.

“You are violating university regulations and/or State laws concerning improper occupation of buildings or property. If you leave within the next 10 minutes, no further action will be taken. If you do not leave within 10 minutes you may be arrested. If you are a student, you may also be subject to disciplinary action as outlined in the Student Code of Conduct.”

In the event a crime (other than the peaceful, but illegal occupation of a building or property) has occurred, is occurring, or is about to occur, action may be taken without regard to the above statement by the appropriate university officials in order to protect the safety, lives, and property of the university community.

Note: Policies are subject to change; check the NMSU website for updated information at <http://www.nmsu.edu/~vpsa/handbook.html>