

3.100

Protocols in Event of Missing Residential Student

- A. Purpose. To maximize the use of all available university resources and information, in order to facilitate and expedite the search for a residential student reported or suspected to be missing; to provide policy and procedures, in compliance with the federal Clery Act, as amended by the Higher Education Opportunity Act of 2008.
- B. Scope. This policy applies within the NMSU System.
- C. Policy Administrators. This policy is administered by the Office of Housing and Residential Life and the NMSU Police Department.
- D. Definitions.
 - 1. “Residential Student”. For purposes of this policy, a residential student is one who resides in on-campus housing, under a housing contract, and is currently enrolled at the University.
 - 2. “Missing Resident Student”. A missing residential student means a residential student whose whereabouts are unknown to the Office of Housing and Residential Life, roommate or immediate family member and the circumstances of whose absence indicate that:
 - a. The student did not voluntarily leave the housing unit, residence hall or campus (excludes involuntary escort by law enforcement); or
 - b. The student voluntarily left the housing unit, residence hall or campus, but indicated an intent not to return. (For example, belongings are missing or student made comment indicating intent to harm self.)
- E. Policy. It is the policy of the university to coordinate the resources available from various campus offices in order to expedite the location of any resident student suspected or reported to be missing, consistent with the notification and reporting requirements of the federal Clery Act and corresponding regulations.
 - 1. Upon entering into the housing contract, or as part of the housing check in process, the resident student, or parent or guardian if student is a minor, shall sign an acknowledgment of receipt of this policy.
 - 2. Upon entering into the housing contract, or at the time of the housing check in process, the residential student shall be given the opportunity to confidentially identify one or more “missing person contact”, whom the campus will attempt to contact immediately, and in no case later than 24 hours after the student is deemed missing. The confidential missing person contact may be a person other than the next of kin Emergency Contacts provided via MyNMSU pursuant to Policy 2.35.1.1.8 for general emergencies. The student, or guardian if the student is a minor, is responsible for ensuring that the all emergency notification contact information, including any distinct missing person contact, is up-to-date and accurate.
 - 3. The Office of Housing and Residential Life will collect and maintain the confidential missing person contact information, which may be shared with others

in furtherance of a missing person investigation. The information may be stored electronically in a manner that integrates the “missing person contact” with campus records system(s), to facilitate mutual access by staff of student affairs, housing and university police.

4. If the Office of Housing and Residential Life or the NMSU Police Department deems any residential student to be missing, university administration shall be notified as soon as possible under the circumstances.
5. If a residential student under 18 years of age and not emancipated is deemed missing, the NMSU police chief or designee shall notify the confidential missing person contact and the custodial parent or guardian not later than 24 hours after the time that the student was deemed missing.
6. This policy and accompanying procedures are not intended to limit or prohibit law enforcement personnel from contacting anyone they may deem necessary as part of their missing person investigation.

F. Procedures.

1. Any student, staff or faculty member or other person who receives a report that a residential student may be missing, or has a reasonable suspicion based on personal knowledge of the student’s schedule and habits to conclude that the person has involuntarily disappeared, shall immediately notify either the Office of Housing and Residential Life or the NMSU Police Department. The report should not be delayed in the hope the person will return. There is no requirement to wait 24 hours to report that someone is suspected to be missing, and in fact, such a delay can be detrimental to search efforts.
2. The office or department receiving a report of a suspected missing resident student shall notify the other in order to clarify and expedite the assignment of responsibilities. The office or department receiving such a report shall notify the Office of the Dean of Students, and keep that office informed about the status.
3. All students and employees shall cooperate with preliminary inquiries by the Office of Housing and Residential Life or other NMSU department personnel, as well as with law enforcement personnel, should a criminal investigation become necessary. A failure to cooperate may result in disciplinary action, as may be appropriate, based on the circumstances, including any adverse impact caused by the lack of cooperation. A failure to cooperate with law enforcement personnel may also result in criminal charges as appropriate.
4. NMSU housing staff will conduct preliminary inquiries, in accordance with the departmental protocol that the Office of Housing and Residential Life has promulgated for such incidents. (See <http://www.nmsu.edu/~housing/>). During the preliminary inquiry stage, Housing staff may utilize available university resources and information, including but not limited to the Offices of the Registrar, the Dean of Students, Parking and Transportation, to facilitate and expedite verification of the student’s whereabouts. If housing personnel are not able to speak with the student or to otherwise verify the student’s whereabouts within 3 hours from the first report or suspicion that the student might be missing, the matter will be reported to the NMSU Police Department for a formal missing person investigation.

5. Consistent with applicable New Mexico law, the NMSU Police shall conduct a missing person investigation, and if necessary, shall be given access to university resources and information, including but not limited to the Offices of the Registrar, Dean of Students, Parking and Transportation, Housing and Residential Life.