

70-12 Missing and Endangered Persons

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1. **Purpose.** The purpose of these policies and procedures is to comply with current State Law concerning missing or endangered persons, the Missing Persons Information and Reporting Act (34 CFR § 668.46), the Higher Education Opportunity Act (HEOA) and the requirements of the Clery Act in regards to reporting students who are missing or endangered from campus.
2. **Policy.** The Eastern New Mexico University System (the System) policy is as follows:
 - A. The System shall provide a campus environment that is safe for all persons.
 - B. The System shall take prompt action which aids in the location and/or ascertains the health and well-being of students, faculty, staff and visitors reported endangered or missing from any of the System campuses.
 - C. The System shall notify appropriate individuals and/or law enforcement personnel without unnecessary delay of any person that could be considered endangered or missing from the System.
 - D. The System shall publish this policy electronically and in multiple student publications to assure that students, faculty and staff know or should know about this policy and its subsequent provisions.

The foregoing purposes and policies shall be implemented using the following:

Guidelines and Procedures

3. **Administration.** This policy and procedure shall be administered by the ENMU System chief financial officer (CFO), with assistance from the chief of the Department of Public Safety (DPS).
4. **Definitions for Purposes of this Policy Only**
 - A. “Missing Person” means a person whose whereabouts are unknown to the person’s custodian or immediate family member and the circumstances of whose whereabouts indicate that:
 - (1) The persons did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law; or
 - (2) The person voluntarily left the care and control of the custodian without the custodian’s consent and without intent to return.
 - B. “Endangered Person” means a missing person who:
 - (1) Is in imminent danger of causing harm to the person’s self;
 - (2) Is in imminent danger of causing harm to another;

- (3) Is in imminent danger of being harmed by another or who has been harmed by another; or
- (4) Has Alzheimer's disease or another degenerative brain disorder.

5. Reporting Missing and Endangered Persons

- A. For the purposes of this policy, as a general rule a person is considered missing or endangered when that individual's absence is suspiciously different from his/her usual pattern of behavior, plans, habits, routines and/or unusual circumstances may have caused such absence.
- B. Any member of the System concerned about a missing or endangered person will immediately file a report with the Department of Public Safety or local Campus Security Authority (CSA) without unnecessary delay. There is no mandated waiting periods before a report will be accepted and acted upon.

6. ENMU System Response

- A. Upon receipt of a report of a missing or endangered person, the DPS/CSA will attempt to locate the missing or endangered person immediately without unnecessary delay. No more than a twenty-four (24) hour period shall have lapsed before the DPS/CSA complies with all reporting requirements associated with missing or endangered persons which are enumerated in New Mexico State Statutes 29-14-1 through 29-15-1 NMSA 1978 and 34 CFR § 668.46. This will involve a minimum of the following:
 - (1) Attempt to locate the missing or endangered person by available means including the use of resources such as paraprofessionals in law enforcement and education.
 - (2) The generation of an official police report detailing the exact facts and circumstances concerning the missing or endangered person and entry of that person into the National Crime Information Center (NCIC) and the New Mexico Department of Public Safety Missing Persons' Clearinghouse.
 - (3) Detailed information not immediately available shall be obtained as soon as possible by the DPS/CSA and, no later than two hours after receipt of the information, entered into the clearinghouse and the National Crime Information Center (NCIC) file as a supplement to the original entry.
 - (4) Notify the person's designated emergency contact person if the missing person has designated one.
 - (5) Contact the person's custodial parent or guardian if the missing person is under eighteen (18) years of age and unemancipated,
 - (6) Provide a follow-up reports within seven (7) days to the designated emergency contact or parent/custodian for persons under eighteen (18) on the results of the attempts to locate the missing person.

- (7) Provide a dental record release form to the missing person's custodian or guardian or immediate family members at the time the missing person report is received. The DPS/CSA will endorse the completed form and provide it to the state or federal agencies as necessary, in compliance with NMSA §§29-15-1 to 29-15-12.

7. Student Option to Identify Emergency Contact

- A. Students who apply for System housing will be provided the opportunity to identify a confidential emergency contact person and contact information, including telephone number to be notified in the event of an actual emergency directly affecting their status or when they are reported as a missing or endangered person.
 - B. Parents, custodians, and/or legal guardians of students that are under eighteen (18) years of age and who are not emancipated will be notified of such facts and circumstances which involve their minor child when they are reported as a missing or endangered person regardless of whether the student has disclosed or refused to disclose them as a confidential emergency contact person.
 - C. Only authorized System officials and law enforcement personnel in the event of an actual emergency directly affecting their status or in the furtherance of a missing person investigation may have access to this information.
- 8. Publication of Policy.** The System will publish this policy electronically through websites designed to convey emergency or law enforcement information; will incorporate its provisions into student handbooks, resident life or similar publications; and will otherwise assure that students know, or should know, of its provisions. The campuses will include a copy of this policy in its annual security report.

Approved by the Board of Regents, January 19, 2011.
Amendments approved by the Board of Regents on May 8, 2020.