

# The University of New Mexico – DOJ Agreement Final Report

October 2016 – October 2019

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## Final Report on UNM’s Actions to Advance Anti-Harassment and Sexual Misconduct Efforts



On October 17, 2016, following a report by the U.S. Department of Justice (DOJ) released in April of that year, the U.S. Department of Justice and the University of New Mexico (UNM), entered into a three-year formal agreement (Agreement) regarding UNM’s efforts under federal civil rights laws to prevent and address sexual misconduct, and to provide clear and consistent policies and procedures for reporting, investigating and responding to such conduct. UNM is one of a small handful of universities that entered into such agreements with the Department of Justice.

UNM cannot be a strong university unless it addresses sexual misconduct effectively, fully, and in a timely manner. UNM has undertaken significant work over the last three years to address sexual misconduct on campus. UNM has, in good faith, met the terms of the Agreement and maintained timely compliance during the past three years. Specifically, UNM submitted 13 formal status reports and provided more than 10,000 pages of data and information to the DOJ during this time period. UNM also hosted DOJ attorneys on the campus while they conducted

two separate site visits. This three-year process has been an informative and positive experience for the university. UNM has been diligent and responsive with all of its dealings with the DOJ.

UNM has taken compelling steps to address sexual misconduct at UNM and change the campus culture, training record numbers of faculty, staff, and students on sexual misconduct prevention at the university. UNM has funneled new resources into campus training, investigation, and advocacy regarding sexual assault. For the past three years, more than 36,900 students received in-person sexual misconduct awareness training in accordance with the Agreement. This student training effort consumed approximately 1,066 hours of student and staff time and involved 711 separate mandatory training sessions. During this period, UNM also required all of its individual employees to participate in an annual online training to learn how to respond effectively to sexual misconduct, a training completed 21,473 times over the three-year period with a participation rate of approximately 98% of the employees on the campus each year. UNM has also revised its policies and procedures and implemented new processes for dealing with sexual misconduct on the campus, and conducted six (6) climate surveys on the main and branch campuses, creating a feedback loop for further implements. Going beyond the requirements of the agreement with DOJ, UNM has also contracted with outside specialists to conduct numerous trainings for employees engaged in preventing campus violence, and hosted countless events and activities that were not required under the Agreement.

At UNM, all students, faculty and staff should be able to experience an environment free from harassment and discrimination. Therefore, it has been a top priority for UNM to comply with this Agreement, promote positive behavior, and foster a safe and respectful culture. Below you will find a summary of all of UNM's efforts under the Agreement.

### **UNM Training (2016 - 2019):**

One of the most significant agreements that the parties came to involved providing training to the UNM campus. Training is one important piece of a comprehensive approach to preventing harassment and other inappropriate conduct on a university campus. Prior to entering into the Agreement, UNM started developing an in-person training for incoming students that has been further refined over the past three years. In addition, UNM decided that sexual harassment training should be a priority for all UNM employees, not just supervisors. Below you will find a detailed description of UNM's training efforts.

#### **Training for Students**

As part of the Agreement, UNM agreed:

- UNM to provide *in-person interactive training* on sexual harassment to incoming students through its New Student Orientation program and offer it to the University community on an ad-hoc basis throughout the year. The in-person interactive training that the University was already providing its incoming students in the New Student Orientation program is titled *The Grey Area*. During the Agreement period, DOJ determined that the *Grey Area* training complied with all of its specific requirements as part of the monitoring

component of this Agreement.

- By February 1, 2017, UNM had to establish the necessary infrastructure to allow it to provide the in-person interactive training described in this Agreement on an ongoing basis. On or before February 1, 2017, UNM established the necessary infrastructure, hired new staff members, and purchased materials needed to provide this training. See 3<sup>rd</sup> Status report, submitted on February 1, 2017.
- Starting in 2017, UNM was required to issue notices to all current students that those who had not taken the in-person interactive training would be required to take such training prior to the end of the Fall 2017 academic semester. In March 2017, all UNM students were notified by email about the mandatory training requirement. The notice was also disseminated through UNM's website and social media outlets. See 3<sup>rd</sup> Status Report, submitted on February 1, 2017.
- UNM agreed to ensure that all students enrolled in graduate programs at UNM have received training by December 31, 2017. UNM provided training to graduate students over the course of 2017 and 2018. See p. 4.
- UNM agreed, starting in the 2017-2018 academic year, to provide the in-person interactive training to all students who are new to the University. This training was required to be mandatory for all students new to the University starting in the 2017-2018 academic year (including freshmen, new graduate students, and incoming transfer students).

The in-person training program, entitled *The Grey Area*, is approximately 1.5 - 2 hours in length and is comprised of two sessions: a large group session and a smaller, interactive session. In the sessions, students examine the interconnected issues of dating and domestic violence, sexual violence, bystander intervention, and consent, through a variety of discussions and supportive materials.

In the spring of 2017, UNM began providing the mandatory, in-person, interactive training to all students at UNM. This includes freshmen, new graduate students, and incoming transfer students. UNM also started providing training to existing students. These trainings are being offered across campus at varying times and locations. This has continued into 2018 and 2019 for all new freshmen, new graduate students, and incoming transfer students. See p. 4.

- Going forward, after the Agreement ends, UNM commits to continuing to provide all new and first-year students with the *Grey Area* in-person interactive training or a comparable training.
- Starting in the 2017-2018 academic year and continuing through the end of this Agreement, UNM agreed to provide all continuing students who have already received

the in-person interactive training with annual interactive online training on sexual harassment. In the 2017-2018 academic year, UNM began to provide *Campus Clarity*, an online, interactive training module to all continuing students.

- In addition, if students want to take additional training on Title IX and sexual assault prevention topics, UNM has online and in-person options available. For more information, students can contact UNM's Office of Equal Opportunity.

Summary of the student training efforts to date:

- First Year Training Efforts (2016 – 2017)
  - 15,945 undergraduates were trained (including New Student Orientation for 2015, 2016, 2017, and for spring 2018). 76 sessions were offered from March – December 2017.
  - 4,127 graduate/professional students were trained. 87 sessions were offered from June – December 2017.
  - 2,294 undergraduates were trained at UNM branch campuses (Gallup, Los Alamos, Taos, and Valencia). 88 sessions were offered across all branches from March – December 2017.
- Second Year Training Efforts (2018)
  - 5,856 undergraduates were trained (including New Student Orientation for spring 2019). 100 sessions were offered from January – December 2018.
  - 1,712 graduate/professional students were trained. 88 sessions were offered from January – December 2018.
  - 964 undergraduates were trained at UNM branch campuses (Gallup, Los Alamos, Taos, and Valencia). 59 sessions were offered across all branches from January – December 2018.
- Third Year Training Efforts (2019)
  - 4,329 undergraduates were trained. 55 sessions were offered from January – October 2019.
  - 1,107 graduate/professional students were trained. 71 sessions were offered from January – October 2019.
  - 563 undergraduates were trained at UNM branch campuses (Gallup, Los Alamos, Taos, and Valencia). 36 sessions were offered across all branches from January – October 2019.

Attendance is currently being tracked through a manual sign-in process for all in-person training.

- All students who received *The Grey Area* in-person training in the summers 2015 - 2019 and who are still enrolled at the University are invited annually to take a follow up course while they remain enrolled at UNM. *Campus Clarity: Think About It* is an online training module provided by EVERFI and is an interactive learning tool for both undergraduate and graduate student populations. Since January 2018, 6,384 undergraduate students and 2,973 graduate students have completed this training.

### **Training for Employees**

As part of the Agreement, UNM agreed:

- By December 31, 2016, the University will provide training to all University staff and faculty that it designates as responsible employees, including but not limited to members of UNMPD. The University had already purchased interactive online training modules; DOJ committed to determining whether the training complied with the requirements. The Agreement mandated that each responsible employee will be required to complete the training annually.

Since 2016, UNM has trained tens of thousands of employees about workplace harassment, including sexual harassment, various types of discrimination, Title IX, and the Campus SAVE Act. Upon entering into the Agreement in 2016, UNM has required *all* faculty, staff, and student employees to take the online training course, *Intersections: Preventing Discrimination and Harassment*, on an annual basis. LawRoom supports this training module. *Intersections* contains interactive exercises and covers all aspects of promoting a harassment and discrimination free workplace.

- The University agreed to maintain a system for monitoring training to ensure that every responsible employee of the University participated in the training.

UNM monitors training through its Learning Central Learning Management System. Training courses are assigned to employees on an annual basis, and completions are tracked and monitored by individual supervisors, departmental administrators, and UNM's central HR office. In advance of the annual deadline, reminder notifications are sent to employees and supervisors on a regular basis from the Learning Management System. The Division of Human Resources also sends targeted notifications of incomplete training courses to University leadership, including regular reports to Deans and Vice Presidents, of incomplete training in their areas.

- The training includes participant evaluations. The Agreement requires UNM to analyze the evaluations to determine ongoing effectiveness of the training.

At the end of the training course, employees are asked to complete a brief survey evaluating the effectiveness of the course and to provide comments. Evaluations for the course are consistently high: 4.12 out of 5 on average for the *Intersections* course. Further, beginning in 2019, UNM renewed its training agreement with Everfi, which provided access to a broader set of training courses to support its employees. One change, in response to feedback, was to launch a new version of Everfi's course (*Harassment and Discrimination Prevention*), as well as distinguish the course assigned between employees and supervisors in order to provide supervisors with more meaningful and targeted information. So far in 2019, the new version of the *Harassment and Discrimination Prevention* course received high ratings as well, an average of 4.17 out of 5.

- Beginning with the 2016-17 academic year, the University agreed to ensure that all employees new to the University employed in positions identified by the University as "responsible employee" (as provided in Agreement Sections IV.B.1 and 4) complete the training required in this Section III.B within thirty (30) days of their employment start date.

Upon being hired, all new employees are assigned UNM's new hire curriculum through Learning Central, with a due date of 30 days after the date of hire. The tracking and notification process for new hires mimics the annual training tracking as discussed previously.

#### Summary of the employee training efforts to date:

- For the 2016 calendar year, UNM's employee training had broad participation by faculty, staff, and student employees. Of the 13,649 UNM faculty, staff and student employees, 12,321 individuals (90.3%) completed the required *Intersections: Preventing Discrimination and Harassment* training in 2016.
- For the 2017 calendar year, UNM's employee training continued to have broad participation by our faculty, staff, and student employees. Of the 12,923 UNM faculty, staff, and student employees, 12,321 individuals (94.9%) completed the required *Intersections: Preventing Discrimination and Harassment* training in 2017.
- For the 2018 calendar year, UNM's employee training continued to have a strong participation. Of the 13,292 UNM faculty, staff, and student employees, 12,297 individuals (92.5%) completed the required *Intersections: Preventing Discrimination and Harassment* training in 2018.
- In 2019, UNM continues to require completion of *Harassment and Discrimination Prevention* by all employees. While the annual training deadline is not until December 1, as of October 15, UNM is showing good progress toward completion. Of the 14,391 UNM

faculty, staff, and student employees, 6,640 individuals (46.1%) completed the required *Intersections: Preventing Discrimination and Harassment* training. This point in time completion rate is in line with previous years, and UNM anticipates achieving similar completion rates as in 2016-18.

UNM’s employee training efforts have exceeded expectations, training 21,473 unique individual employees since 2016. This online training is helping to strengthen UNM’s culture by succinctly communicating its values, goals, and policies to motivate individuals to act ethically and responsibly. UNM leadership believes that online training is one of the important ways to raise awareness of the different types of unacceptable behavior. By requiring that all employees participate in training on a regular basis, UNM is sending a clear message from the top that it is committed to preventing harassment and other abusive behavior.

	2016	2017	2018	2019 YTD
<b>Regular Staff</b>	99.1%	99.8%	98.9%	51.8%
<b>Regular Faculty</b>	96.9%	97.1%	94.1%	35.5%
<b>Student Employees</b>	92.5%	98.7%	97.8%	53.7%
<b>Temp/On-Call</b>	61.6%	78.0%	72.6%	35.5%
<b>Total</b>	90.3%	94.9%	92.5%	46.1%

### Specialized Training

UNM agreed that personnel involved in processing, investigating, or resolving complaints of sexual misconduct would receive additional training. This includes intensive and specialized training for Office of Equal Opportunity (OEO) staff members, UNM Police Officers, and Dean of Students Office personnel who are likely to receive reports, investigate, and handle discipline involving sexual harassment and misconduct. This specialized training has proved critical in providing nuanced understanding for those individuals that most often address concerns from students and staff. The training allows for additional technical and process training, as well as training that allows staff to practice their skills and actively improve their knowledge base.

As part of the Agreement, UNM agreed:

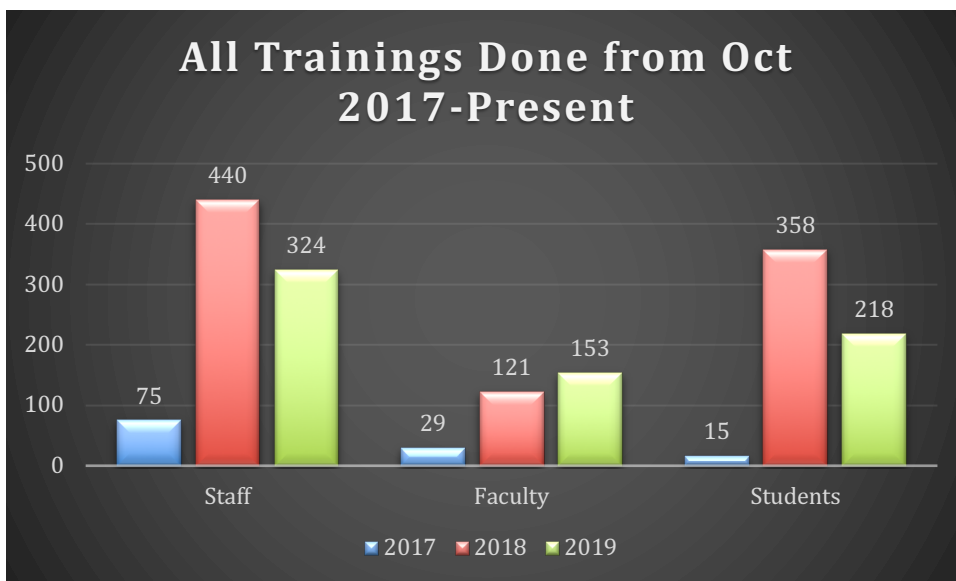
- By December 1 of each year covered by this Agreement, the University will ensure that the Title IX Coordinator and all employees directly involved in processing, investigating, adjudicating, responding to appeals, and/or sanctioning complaints of violations of University policies through the DCP regarding allegations of sexual harassment have received detailed Title IX training(s). UNM ensured that the Title IX Coordinator and all employees involved in Title IX work received detailed Title IX trainings. This was conveyed to DOJ in the 1<sup>st</sup> Status Report on November 15, 2016, 6<sup>th</sup> Status Report on December 1, 2017, and 11<sup>th</sup> Status Report on November 30, 2018.

- By December 1, 2016, UNMPD will ensure that all UNMPD officers who respond to or investigate allegations of criminal sexual assault and domestic violence have received training on evidence-based, trauma-informed investigative techniques. Training should also include information on how to recognize and eliminate implicit and explicit gender bias in policing. On January 3 and 4, 2017, UNM ensured that all UNMPD officers and others received FETI Training, via Dr. Chris Wilson. New officers have been provided training by David Lisak, a recognized local expert on the topic.
- By December 1, 2016, UNMPD will establish a written protocol for all UNMPD officers who respond to or investigate allegations of criminal sexual assault to receive training at least annually on investigating criminal sexual assault and domestic violence to ensure all officers are aware of current best practices. This protocol was conveyed to DOJ on November 15, 2016 in the 1<sup>st</sup> status report.

Summary of the specialized employee training efforts to date:

During the span of the Agreement, UNM has provided and sent employees to tens of thousands of hours of specialized training sessions. This includes:

- Staff members at UNMPD, OEO, and the Dean of Students Office have collectively participated in thousands of hours of training focused on Title IX, Trauma Informed Investigation, Inherent Bias, and Rape Crisis.
- From October 2017 to present, OEO conducted 1,733 trainings for students, faculty, and staff.



- In January 2017, UNM engaged Dr. Chris Wilson, a nationally known professional trainer, to conduct an intensive, multi-day training session entitled *Forensic Experiential Trauma*



*Interview (FETI) within the Sexual Assault Investigation Response* for numerous University employees. This training enables response staff to gather evidence more effectively and better understand the traumatized person's experience.

- In early 2017, the UNM Ombuds Office developed a supportive listening presentation for UNM faculty and staff: *Supportive Listening 101: Listening and Responding Supportively to Accounts of Sexual Misconduct*. Ombuds describes the presentation as follows: In this 30-minute presentation, you will learn the essential Dos and DON'TS for listening supportively without causing unintentional harm. Supportive Listening 101 is an introduction to basic tools to help you foster a safe and supportive environment for those speaking about sexual violence and misconduct.

Since this program's development, the Ombuds Office has conducted 32 presentations for 695 people on campus.

- In October 2017, UNM provided a *Neurobiology of Trauma* training by Dr. David Lisak. For the past 30 years, Dr. Lisak has been the premier researcher in the area of sexual and gender-based violence on college campuses, having conducted his research out of the Psychology Department at the University of Massachusetts. Dr. Lisak also offered a condensed version of the *Neurobiology of Trauma* training for Interim President Chaouki Abdallah, Vice Provost Rich Wood, a member of the Board of Regents, and several staff members from the Office of the Provost.
- In October 2017, UNM provided a workshop entitled *Ableism in Anti-Violence Prevention*. This workshop addressed how to assist individuals who have hidden or visible disabilities.
- In November of 2017, UNM hosted a *National Clergy Training Conference*. This conference informed participants on how to fully comply with the federal Clergy Act.
- In November of 2017, UNM hosted a training by an attorney from the Sheehan and Sheehan Law Firm on workplace investigations. This workshop taught UNM administrators, faculty, and staff on how to properly investigate workplace incidents.
- In January of 2018, UNM hosted a *Respondent Training Session*. This session allowed participants to understand how to properly and fairly work with Respondents (those whom the concerns have been lodged against) in cases of sexual misconduct with a focus on due process considerations.
- Helen Grant (Title IX Consultant), February 2018 – UNM hired Helen Grant to assess compliance with Title IX.
- During the late spring of 2018, the UNM Ombuds Office developed a presentation entitled *So, I Have to Report*. Since it has been developed, the Ombuds Office has delivered five presentations to 91 staff members.

- Athletics Compliance Office, August 2018 – The compliance office trained all teams about UNM’s [Hazing Policy](#). Additionally, all athletes are required to sign Hazing Policy Forms prior to participation.
- Alan Berkowitz Bystander Training, September 5, 2018 – Mr. Berkowitz trained approximately 60 people on bystander intervention theory and practice.
- Dan Beebe Group, September 2018 – Trained all student athletes about prevention of harassment, discrimination, retaliation, and sexual misconduct.
- UNM’s Ombuds Services for Staff conducted a workshop entitled *Responding Supportively*, approximately three (3) hours in length and provided in-person. 10 people attended this workshop. Ombuds also conducted a 35-minute supportive listening training and since 2017, 794 have attended.
- *ATIXA Title IX Investigator training and certification, October 2018.*
- David Lisak, *The Neurobiology of Trauma*, October 2018. Dr. Lisak conducted a workshop entitled *The Neurobiology of Trauma*. This half day training was attended by UNMPD, Dean of Students, Advocates, and OEO staff.
- Norman Bay, *Internal Investigations*, August 2019 – Former UNM law professor and past Chairman of the Federal Energy Regulatory Commission provided training to those involved in internal investigations at UNM, including OEO, HR, Dean of Students, and Compliance offices.
- LGBTQ Resource Center, *SAFEZONE*, August 2019 – Resource Director Frankie Flores presented a four (4) hour training on important issues within the LGBTQ community and how investigators must be sensitive when looking at cases involving these communities.
- *National Discussion on Sexual Assault and Harassment at America’s Universities and Service Academies* Annapolis, Maryland, April 2019. The OEO Director and Title IX Coordinator attended this national conference focused on sexual assault prevention and data collection.
- Coming February 6, 2020 – The Department of Defense will hold its second regional conference on the *National Discussion on Sexual Assault at America’s Universities* at UNM (first was held at SUNY). The Title IX Coordinator and the OEO Director are working with allies on campus to provide a conference that will discuss best practices and honor our commitment to continued work on sexual assault prevention and intervention.

**Policies, Procedures & Practices (2016 – 2019):**

Title IX requires Title IV funding recipients such as UNM to respond promptly and effectively to complaints of sexual misconduct. Policies and procedures play an important role in handling complaints of sexual misconduct. UNM undertakes its own investigation of complaints and has several policies and protocols that address sexual misconduct. As part of this Agreement, UNM completely revamped its policies and procedures related to Title IX. Below is a detailed description of UNM's efforts related to writing and revising new policies and procedures.

As part of the Agreement, UNM agreed to:

- Review all relevant policies, procedures, and attendant materials for consistency and clarity, and to amend, rescind, or insert cross-references as necessary.
- Ensure that its procedures provide for adequate, reliable, prompt, and impartial investigation, adjudication, and appeal of all complaints of sexual harassment, including an equal opportunity for the parties to present witnesses and other evidence.
- Develop written internal protocols for the implementation of the Discrimination Claims Procedure.
- Establish written internal protocols regarding communications about its response to allegations of sexual harassment, including a process by which OEO and the Dean of Students Office share information and respond as appropriate.
- Revise the University's procedures for electronically tracking all alleged sexual harassment incidents.
- Ensure that OEO retains all records and supporting written documentation related to any incident of alleged sexual harassment.
- Establish a process for the Title IX Coordinator to regularly review all reports of conduct that may constitute sexual harassment and all files and reports related to the investigation, adjudication, appeal, and sanctions of sexual harassment allegations.
- On or before December 1, 2016, the University will submit to the DOJ for review and approval any initial proposed revisions of its policies, procedures, and attendant materials related to sexual harassment. If the DOJ chooses to provide comments on the University's proposed revisions, the DOJ will do so within 30 days of receipt.
- No later than 30 days after final execution of each revised or new policy or procedure, the University will provide all students and employees with written notice regarding the revised or new policy or procedure regarding sexual harassment.

- By the start of each academic year, the University will review and update the LoboRESPECT website to ensure it provides information consistent with any revised policies and procedures.

Summary of the efforts to revise the policies and procedures to date:

UNM agreed to change several of its policies, procedures, and practices relating to sexual harassment and misconduct. Prior to the start of the DOJ investigation, UNM drafted a new comprehensive policy on sexual violence, which was issued as University Administrative Policy (UAP) 2740: Sexual Violence and Sexual Misconduct, on May 15, 2015.

In the fall of 2016, a team of UNM employees reviewed and started rewriting all relevant policies, procedures, and attendant materials for consistency and clarity, and to amend, rescind, or insert cross-references as necessary. As they reviewed and revised the materials, they made sure that the procedures provided for adequate, reliable, prompt, and impartial investigation, adjudication, and appeal of all complaints of sexual harassment, including an equal opportunity for the parties to present witnesses and other evidence.

- Before December 1, 2016, UNM submitted to the DOJ for review and approval any initial proposed revisions of its policies, procedures, and attendant materials related to sexual harassment. The DOJ provided some comments on the University's proposed revisions in early 2017.
- The Office of Equal Opportunity made significant edits to [UAP 2720: Equal Opportunity, Non-Discrimination, and Affirmative Action](#), to address the DOJ and other concerns. Revisions to UAP 2720 were adopted on February 26, 2018.
- A campus-wide group worked on revisions to [UAP 2740: Sexual Misconduct](#). Revisions to UAP 2740 were adopted effective February 26, 2018 to reflect needed changes.
- UNM has improved its procedures to provide reliable, prompt, and impartial investigation, adjudication, and appeal of all complaints of sexual harassment and misconduct. The Office of Equal Opportunity's revised procedures and guidance documents are clear and effective, and intended to streamline the manner in which the office investigates claims that are raised. This better aligns the University's procedures with the recommendations from the DOJ. Newly adopted (in June 2016) Office of Equal Opportunity procedures include:
  - [Discrimination Claims Procedure](#)
  - [Checklist for Formal Investigation Process – Individual](#)
  - [Checklist for Formal Investigation Process – Departmental](#)

This included adopting written internal protocols for the implementation of the Discrimination Claims Procedure.

- On November 1, 2016, the UNM Police Department adopted a written protocol, for all police officers who respond to or investigate allegations of sexual assault, requiring training at least annually.
- New Dean of Students Office procedures and protocols adopted in 2017 include:
  - Additional protocol and development of supportive and interim measures, such as academic and administrative measures; and
  - Safety measures, such as interim bans and no contact directives.
- New Title IX Protocol for Interim Measures
  - A task force has been convened to review and improve methods of obtaining interim measures. A rubric is now being utilized to determine which party would be burdened in an interim measure, such as housing or course changes. In addition to the rubric, both HR and the Office of the Provost have agreed to issue No Contact Directives (NCD) when faculty and/or staff are involved. The task force continues to work toward standardizing the process for requesting and obtaining interim measures to ensure fairness and consistency across cases.
- New guidance documents and internal protocols improve regular communication between UNM Units.
  - On January 12, 2017, the UNM Police Department and the Office of Equal Opportunity finalized a Memorandum of Understanding detailing how they will work together on sexual harassment and misconduct cases.
  - On January 27, 2019, the Dean of Students Office and the Office of Equal Opportunity finalized a Memorandum of Understanding describing how they will work together on sexual harassment and misconduct cases.
  - The UNM Police Department has developed a system for consistent referrals of sexual harassment and misconduct cases to UNM's Title IX Coordinator.
  - Rubric utilization for interim measures related to Title IX allegations.
- UNM started implementing new internal reporting systems to record and track crucial information involving the investigation of sexual harassment and misconduct matters.
- OEO now retains all records and supporting written documentation related to any incident of alleged sexual harassment via the EthicsPoint database for historical data and pattern review.
- UNM implemented a process for the Title IX Coordinator to regularly review all reports of conduct that may constitute sexual harassment, as well as files and reports related to the investigation, adjudication, appeal, and sanctions of allegations of sexual harassment. In 2019, OEO created an updated jurisdictional form that parses out issues for investigators to consider.

- At the start of each academic year, UNM updates the [LoboRESPECT website](#) to ensure it provides information consistent with any revised policies and procedures. The website was updated in August 2017, August 2018, and August 2019. This website includes comprehensive information on UNM’s prevention education efforts and programs, services and support for victims of sexual misconduct, and policies.

### **Education Climate (2016 – 2019):**

As part of the Agreement, UNM agreed to:

- Document, on an internal spreadsheet, any steps it takes to address sexual misconduct.
- Using evidence-based methodology and validated questions, UNM agreed to conduct one or more annual climate surveys for all students.
- Submit its proposed climate survey and assessment methodology to DOJ for review.
- Implement a monitoring program to assess the effectiveness of its efforts to prevent and address sexual harassment and retaliation and to promote a non-discriminatory school climate.
- Issue an annual assessment of the effectiveness of its anti-harassment efforts, including a review of the student climate surveys to determine: where and when sex-based harassment occurs; deficits in students’ knowledge of what constitutes sexual harassment that violates University policy, where to report it, and the results of reporting to different resources; barriers to reporting sexual harassment; and recommendations for how the University can better encourage reporting of and improve its response to complaints.
- Conduct a review of all reports of sexual harassment and among other things, the University’s responses to such reports, particularly with respect to: whether such reports were adequately, reliably, promptly, and impartially investigated and resolved; how many resulted in a finding of violation of University policy and (where applicable) the disciplinary action taken; and the University’s actions to remedy the effects of any hostile environment and retaliation that occurred.

### **Summary of the efforts surrounding campus climate surveys to date:**

- During spring 2016, UNM conducted a Main Campus [climate survey](#) to make sure that UNM is serving the student population regarding campus climate. In particular, the results of this climate survey concluded that a majority of students generally knew that UNM had a policy prohibiting sexual misconduct and recognized where to get help on campus.
- During spring 2017, UNM conducted [two campus climate surveys](#): one for the branch

campuses and one for UNM's main campus. At UNM's branch campuses, the National Campus Climate Survey (NCCS) was utilized through SoundRocket, an outside vendor. The survey ran for approximately four (4) weeks, with five (5) email reminders and assistance from each branch campus to promote the survey and provide incentives for participation. The response rate total for all campuses was 17%, which is slightly above the national average (15%) for commuter campuses.

- During spring 2019, UNM utilized the National Campus Climate Survey (NCCS) through SoundRocket to survey graduate and professional students. UNM has a response rate of 27.64% and an 86.50% completion rate. 90.1% of students reporting knowing that UNM has a local policy against Sexual Misconduct; 68% reported knowing where to find the policy; and 82% reported knowing where to get help on campus if a sexual assault occurs.
- Also, during spring 2017 on UNM's main campus, OEO, in collaboration with a UNM faculty principal investigator and the University of Kentucky, used the Multi College Bystander Efficacy Evaluation (McBee). The survey ran for approximately four (4) weeks with one (1) email reminder and multiple incentives for participation provided by the University of Kentucky. The response rate total for this survey was 10%, which is less than ideal for a survey of this kind. Given the low response rate and narrow parameters of the study itself (Main Campus students, aged 18-24, only taking on-campus classes), it is important to review the results of this survey through that lens.
- In spring 2018, UNM conducted a McBee Climate Survey, to survey the campus climate on the UNM Campus for the 2017-2018 academic year. This survey was sent to 5,556 undergraduate students. There were 786 eligible students and 81% completed or partially completed the survey.
- UNM conducted its third McBee Climate Survey during spring 2019. The survey was sent to 10,976 undergraduate students. Of the 1,298 who were eligible, 1,000 (76%) students completed the survey and additional 10% partially completed the survey.
- Prior to conducting any of the above-mentioned climate surveys, UNM submitted its proposed climate survey and assessment methodology to DOJ for review.
- UNM has utilized EthicsPoint to maintain all history on every case. The system allows OEO to track dates, names, demographics, and all case details. These data points allow OEO to track every aspect of a case and run analytics on the data.
- In August 2019, UNM conducted a [review](#) of all reports of sexual harassment and created a three year comprehensive data trend review. The review looked at cases by basis, outcomes, and Respondent type.

### **Miscellaneous Requirements (2016 – 2019):**

With respect to the Title IX Coordinator, UNM agreed to:

- Review all policies, OEO's DCP, and attendant materials to ensure they consistently identify the Title IX Coordinator's name or title, office address, email address, and telephone number in all places where that information is published.
- Ensure that all published notices of nondiscrimination with the Title IX Coordinator's information are consistent with the requirements of Title IX at 28 C.F.R. § 54.140.

Summary of the efforts to date:

- In response to these requirements, UNM reviewed all of its policies and related materials and consistently identified the Title IX Coordinator in the documents. In addition, UNM conducted an internet review of all sites where the Title IX Coordinator is mentioned and corrected all sites that it was able to.
- Once a year, UNM publishes a notice of non-discrimination with the Title IX Coordinator's information. This information is distributed to the entire campus.

### **Additional Accomplishments**

UNM has made numerous other efforts that were not terms the parties explicitly agreed to as part of the Agreement. This includes:

- Starting in the summer of 2017, all LoboCard IDs now display the contact information for the UNM Police Escort Service and the LoboRESPECT Advocacy Center on the back of each card.
- UNM conducted Campus Safety Week (2017), focused on educating students, faculty, and staff about resources for the prevention of sexual misconduct. During Campus Safety Week, UNM's interim President issued a campus-wide message focused on preventing sexual misconduct on the campus. In addition, the interim President participated in the Annual Campus Safety Walk.
- In September 2017, UNM hosted national speaker, Kate Harding, for a campus-wide talk. Harding addressed the myths of rape culture in her lecture, *Taking Down Rape Culture*. Her lecture came during UNM's Campus Safety Week and National Campus Safety Awareness Month.
- For Domestic Violence Awareness Month (2017), the LoboRESPECT Advocacy Center hosted the following events:
  - Apples for Awareness: 10/10/17



- Paint the Campus Purple chalking event: 10/18/17
- Volunteer for Valencia: 11/1/17
- For Domestic Violence Awareness Month (2018), the LoboRESPECT Advocacy Center hosted the following events:
  - Taking Strides to End Domestic Violence w/ Alpha Chi Omega: 11/18/17
  - The Pack Goes Purple Basketball Games, Women's 1/17/18 and Men's 1/20/18
- For Sexual Assault Awareness Month (2018), the LoboRESPECT Advocacy Center hosted the following:
  - Events:
    - Farm Worker's Awareness Month SAAM collaboration with UNM CAMP, Film showing: *Rape in the Fields* and subsequent panel: 4/2/18
    - Sheer Empowerment event in collaboration with ASUNM: 4/13/18
    - UNM Baseball SAAM Awareness Game: 4/21/18
    - Tabling at SHAC Condom-Mint Event: 4/26/18
  - Social Media Outreach:
    - SAAM Teaser Week Packet: 3/16/18
    - March into SAAM Packet: 3/23/18
    - Consent Packet: 3/30/18
    - Supporting Survivors Packet: 4/6/18
    - Active Bystander Packet: 4/13/18
    - On & Off Campus Resources Packet: 4/20/18
- In September 2018 and 2019, the UNM President assisted with the Annual Campus Safety Walk and other Safety Week events, which included:
  - A first-time stand-alone safety walk during safety week for North Campus in 2019, which President Stokes assisted with
  - Coffee with a Cop events, where our UNM Community could touch base with UNMPD to ask them about safety issues, which included door prizes
  - Bystander focus groups for future bystander intervention trainings
  - Stop the Bleed and Hands Only CPR Training
  - SafeZone Training
  - Working with Disruptive Students in the Classroom
- For Sexual Assault Awareness Month (2019), the LoboRESPECT Advocacy Center hosted the following:
  - Events:
    - Resource Reception: 4/9/19
    - *I Am Evidence* film screening: 4/15/19
  - Social Media Outreach:
    - I Ask for Consent packet: 3/25/19
    - I Ask for Digital Consent packet: 4/8/19
    - I Ask How to Talk About Consent packet: 4/12/19

- I Ask How to Help packet: 4/12/19
- *Speak About It* Bystander Training (September 6, 2018) – The LoboRESPECT Advocacy Center hosted *Speak About It*, a college touring performance group whose show centers around true stories about sex, sexuality, healthy relationships, consent, and boundaries, which are also several topics discussed through the annual *Grey Area* training.
- In 2019, the LoboRESPECT Advocacy Center has focused on creating training programs that further training goals outside of *The Grey Area* training program. Based on student feedback, LoboRESPECT designed new workshops: *Finding the Line* (Healthy Relationships), *All In: Action in our Community* (Bystander Intervention), and *Can I Talk to You?* (Holding Tough Conversations/Active Listening).
- For Red Zone Awareness (2019), the LoboRESPECT Advocacy Center hosted the following Social Media Outreach:
  - Reclaim the Red Packet: 9/6/19
  - Bystander Intervention packet: 9/16/19
  - Active Bystander training packet: 9/24/19
- For Domestic Violence Awareness Month (2019), the LoboRESPECT Advocacy Center hosted the following
  - Events:
    - Purple Thursday: 10/24/19
  - Social Media Outreach:
    - Healthy Relationships packets: 10/7, 10/14, 10/21 & 10/28
    - DV Support Packet: 10/14/19
    - Motivational Monday: 10/21/19
    - Wellness Wednesday: 10/23/19
    - DV Wrap up packet: 10/28/19
- OEO created a Standard Operating Procedure for jurisdictional determinations and EthicsPoint entry to ensure consistency and clarity in these areas.
- Athletics Training
  - In 2018 and 2019, UNM athletes, coaches, staff, and administration received training from the Dan Beebe group.
  - All incoming UNM athletes received the *Grey Area* training in person.
  - Each athletic team received a Bystander Intervention training provided by the LoboRESPECT Advocacy Center.
  - The Title IX Coordinator met individually with each head coach during the months of February and March 2019. She discussed reporting obligations, interim measures, and answered questions the coaches may have had.

- Traveling office hours
  - In September 2019, the Title IX Coordinator implemented traveling office hours to provide drop in consultations to departments and units. The Title IX Coordinator's first travelling office hours were at Anderson School of Management.
  
- Interim Measures Rubric
  - The Title IX Taskforce Interim Measures committee finalized a rubric designed to fairly and consistently provide interim measures to those requesting them. In some instances, the rubric will be used to determine which party will bear the burden of an interim measure.
  - The Title IX Coordinator developed a rubric for emergency bans as an interim measure. This will help in evaluating safety risks and trends related to sexual misconduct.
  
- Preferred Name. UNM students can now choose the first name they prefer to have appear on their LoboCard ID and diploma. As part of its commitment to providing a safe, inclusive environment, the University recognizes that many people prefer to use a name other than their legal name to identify themselves. The initiative continues and will soon allow class rosters to reflect a preferred name.
  
- Title IX Task Force. This Task Force was convened to assess current practices/policies, improve existing services, and begin collaborating on ways to address future changes to guidance. The Task Force is comprised of students, faculty, staff, and UNMPD. The task force has three subcommittees with various foci. One subcommittee is addressing concerns related to interim measures, such as standardizing the practice and increasing what is available to faculty and staff. The second subcommittee is focused on supportive services. This group is working to expand supportive services across campus. This group is also looking at ways to increase advocates and supportive services for faculty and staff. Thus far, this subcommittee has been successful in identifying a UNM mental health worker who is now offering safety planning for faculty and staff and working with the OMBUDS to serve as a navigator and provide parties with information regarding the OEO process and what they can expect in the OEO process. The third subcommittee is looking at incorporating live hearings as part of University civil rights investigations.
  
- Coordinated Community Response Team (CCRT). Led by our Clery Officer and the Director of El Centro de la Raza, the CCRT was created last year through an Office of Violence Against Women grant to combat sexual assault, date rape, and stalking. Following expiration of the Agreement, the Office on Violence Against Women's (OVW) Grant to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program (Campus Grant) has a unique opportunity to support already existing programming and services, while expanding and strengthening: UNM's evidence-based education and prevention programming; tailored, trauma-informed, victim-centered services and response; and promoting accountability and policy that is reflective of this

commitment. The CCRT is committed to building long-lasting institutional support beyond the three funded years of the grant, with an overall aim of creating cross-community partnerships that help to make UNM a safer and healthier space for students, staff, faculty, and community members of the greater Albuquerque area.

### **Staffing Changes/Updates (2016 – 2019):**

- OEO currently employs a Director, Associate Director, a Title IX Coordinator, four (4) civil rights investigators, and two (2) compliance managers who work to address issues of sexual harassment and sexual misconduct matters. Although two of the investigator positions were originally temporary, UNM established permanent funding in the budget for these positions. In addition, an Administrative Assistant and a Data Manager assist with data collection and input, quality assurance of data, and administrative tasks that support these efforts.
- In 2017, UNM's Dean of Students Office hired two (2) Trainers/Advocates to assist with *The Grey Area* in-person student training effort and to provide support and advocacy through the LoboRESPECT Advocacy Center. With this addition, the Dean of Students Office now utilizes seven (7) Advocates, five (5) of whom are in LoboRESPECT. In 2019, the LoboRESPECT Advocacy Center has one (1) Program Manager/Advocate, one (1) Trainer/Advocate, one (1) Administrative Assistant/Trainer, and is currently onboarding one (1) Student Success Specialist who will assist in multiple areas including advocacy, training, and marketing.
- In 2017, UNM's Women's Resource Center (WRC) hired a new director, and in 2018, WRC was moved to report directly to an Associate VP in Student Affairs, rather than the Dean of Students Office. WRC is a place of advocacy, support, and safety for all members of UNM and the greater community. WRC also hired a gendered violence program coordinator who, in collaboration with the Education Coordinator at the LoboRESPECT Advocacy Center, designed a program to provide peer educators with tools, knowledge, and skills-based workshops on the following topics: sexual violence prevention, hate, bias and discrimination prevention, alcohol and substance abuse, suicide prevention, and bystander intervention. In addition, WRC added an academic advisor one (1) day a week so students can receive academic support in the same safe space they are receiving other support services. WRC recently hired two new full-time advocates to further assist in advocacy efforts.
- Respondent Support Services (RSP). UNM aims to create a safe learning environment for all students. Should OEO identify a student as a Respondent during an investigation, Respondents are encouraged to contact the Dean of Students Office to inquire about Respondent Support Persons (RSPs). The six RSPs are trained resource persons at UNM. These individuals undergo extensive training to be able to assist Respondents in navigating the OEO investigation process. RSPs are able to offer near equivalent services

to Respondents in order to alleviate the impact of an investigation on their educational experience at UNM. These individuals undergo FETI training, as well as Title IX procedure, DOS conduct procedure, and student rights training. Services an RSP might offer include: attend meetings (investigative conversations, housing removal/relocation discussions, resolution agreement discussions, e.g.) as a support person; review documents and materials from investigation, final report, and sanctioning decisions as requested; manage academic, housing, access to dining facilities, and interim safety measures as requested by Respondent; provide information and referral to University and community based resources for additional support needs; supporting and connecting Respondents with on-campus and off-campus resources; assist with Academic Supportive Measures; provide general support and a safe listening space.

- Complainant and Respondent Support Services. The same supportive services mentioned above have been available for a number of years for both Complainants and Respondents, although the Respondent support has recently become more formalized to add advocates for Respondents.
- Campus-wide deputy Title IX coordinators were established in 2017, in order to formalize the work being done in Title IX compliance and ensure that each area on campus is being served fully. The new deputy Title IX coordinators are found in Human Resources, the Office of the Provost, Athletics, and Residence Life and Student Housing. UNM's interim President provided the catalyst and support for these leaders to be recognized formally across campus.
- During the summer of 2018, a new HSC Compliance Director was selected. In 2019, the Compliance Director hired a compliance specialist. Both have been trained on Title IX and the effects of trauma on the brain.
- In 2019, the UNM Board of Regents received five (5) new members, all of whom have received Title IX training, as well as training on the effects of trauma on the brain.

### **Faculty Efforts (2016 - 2019):**

UNM faculty from across the institution have put significant effort and resources into helping make UNM a safer campus.

- Faculty offer a variety of courses that directly address topics of relationship violence and/or sexual misconduct, including undergraduate and graduate level courses, across the UNM campus, including the Health Sciences Center and the School of Law.
- UNM faculty has been very engaged in improving the campus environment. In the fall of 2016, UNM faculty members created Faculty for a Sexual Assault Free Environment at

UNM (Faculty SAFE UNM) to collaborate with administration in the execution of the DOJ Agreement and increase faculty participation in efforts to prevent sexual harassment and misconduct at UNM. Faculty SAFE UNM has a core leadership group of approximately 20 faculty members; relies on a listserv for over 80 affiliated faculty members who receive announcements and requests; and maintains a web page of UNM announcements and resources (<https://facultysafeunm.wordpress.com/>).

- Representatives of Faculty SAFE serve on both Policy Office and Title IX committees, where they play an active and collaborative role in the development of UNM policies on sexual harassment and misconduct. Faculty SAFE members regularly attend trainings and presentations sponsored by OEO, Staff Ombuds, LoboRESPECT and ADVANCE at UNM, providing suggestions and feedback that reflect faculty perspectives. From August to December 2017, three members of Faculty SAFE – also representing the three major branches of faculty governance – participated in the Presidential Task Force on Reporting Sexual Misconduct and Harassment and Supporting the UNM Community, collaborating with staff representatives from across the campus to draft a victim-centered, trauma-informed reporting policy for UNM.
- In November 2016, the Faculty Senate passed a [Resolution Regarding Faculty Reporting Obligations at The University of New Mexico](#). This resolution affirmed the faculty's role in fostering awareness of sexual violence and supporting students and other members of the campus community impacted by sexual violence, recommending that most faculty and staff be exempted from the obligation to report.
- In February 2017, Faculty SAFE UNM, in cooperation with the Feminist Research Institute, the Health Sciences Center Faculty Council, OEO, and 15 other academic and administrative units, hosted a *Faculty Symposium on Campus Sexual Violence: Research and Response*, featuring psychologist Dr. Jennifer Freyd from the University of Oregon. In addition to the lecture, *Addressing Sexual Assault: Moving from Institutional Betrayal to Institutional Courage*, Dr. Freyd met with faculty, administrators, staff, and police engaged with Title IX compliance, as part of Faculty SAFE UNM's efforts to strengthen research-based responses to sexual harassment and violence at UNM.
- Faculty have spearheaded efforts to increase research on sexual violence and gender inequality at UNM, first by bringing the three-year, CDC-funded University of Kentucky Multi-College Bystander Efficacy Evaluation study to UNM from 2017 to 2019 under the guidance of PE Theresa Cruz, Pediatrics. A second study, funded with seed money from the Office of the VP for Research and led by UNM political scientist Mala Htun, examined

the effects of the *Grey Area* training on student awareness of sexual assault and gender norms. As part of the training study, in February of 2018, researchers held a Campus Research Workshop with four invited experts and went on to present these findings of the training study at the American Political Science Association conference in 2018. Dr. Elizabeth Hutchison, Director of the Feminist Research institute, has authored a third study that examines the origins and effects of faculty involvement in campus sexual violence prevention, which she has presented at Columbia University and the Western History Association, and is forthcoming as a chapter in *The Academic's Handbook* with Duke University Press. Finally, Dr. Amy Brandzel of Women's, Gender and Sexuality Studies and American Studies has organized the roundtable *Administrating Justice?: Feminist and Queer Critiques of Title IX* for the 2019 National Women's Studies Association meetings in San Francisco.

- Dr. Liz Hutchison, Senior Vice Provost Dr. Barbara Rodriguez, and Health Sciences Center Vice Chancellor Dr. Amy Levi are the UNM representatives to the National Academy of Sciences, Engineering, and Medicine Action Collaborative on Preventing Sexual Harassment in Higher Education. This four-year project commits UNM to working with 59 other institutions of higher learning to address sexual harassment across academia.

### **Web Resources (2016 - 2019):**

- LoboRESPECT is the name of UNM's comprehensive approach to preventing and responding to sexual violence in the campus community. The LoboRESPECT website includes information on UNM's prevention education efforts and programs, services, and support for victims of sexual violence, our policies and sanctions, and much more. The website can be found at: <http://loborespect.unm.edu/about.html>.
- Information about *The Grey Area* in-person student training program for the prevention of sexual harassment and misconduct and policies and procedures regarding Title IX complaints is located at: <http://thegreyarea.unm.edu>. Additional dates and times will be listed, as they become available. Many departments and colleges across campus will be hosting additional training sessions.
- Newly adopted Office of Equal Opportunity procedures can be found at: <https://oeo.unm.edu/index.html>. In addition, OEO's website is now ADA compliant, ensuring improved accessibility and usability. The website now has easy access to online filing and resources.
- Notices and information about UNM's Title IX Coordinator have been widely disseminated to the university community. Additional information regarding the Title IX Coordinator is located at: <https://oeo.unm.edu/title-ix/index.html>.

- Additional information about Faculty SAFE UNM can be found at: <https://facultysafeunm.wordpress.com/about/>.
- OEO has created web access to the appeals process for the University President and the Board of Regents and created a [form](#) that appellants may use to guide their appeal.
- OEO's three-year data review is on its website in providing transparency and useful campus information.
- The University is now utilizing EthicsPoint, an online reporting site that allows faculty, staff, students, visitors, and community to file complaints regarding a variety of issues including personnel, fiscal and ethical, and includes the ability to report discrimination or other misconduct. EthicsPoint is one more way individuals can have their complaints addressed and allows the University to track and benchmark. Complaints can be filed anonymously.

### **Conclusion:**

UNM's hard work has paid off. University policies are clearer and more consistent. UNM employees and the student body are better educated on the processes and where to go for assistance. Investigations into sexual misconduct are much stronger, making responses more effective and transparent. There has been a substantial increase in people reaching out to report misconduct and/or seek assistance and support. Staff and faculty are also playing a greater role in monitoring trends and acting proactively to prevent additional sexual misconduct.

UNM remains committed to preventing sexual misconduct, conducting fair processes for all, and providing a secure and caring environment for the entire community. We consider the safety of our students, employees, citizens and guests of UNM, Albuquerque and the State of New Mexico to be of utmost importance. Our work in this area over the last three years has given us a necessary jump start for a process of continuous improvement. UNM will continue prioritizing the training and resources needed to combat these serious issues.

*President Garnett S. Stokes*

President of the University of New Mexico

November 8, 2019