



UNM's Policy on Sexual Harassment: The Clery Act and Title IX

as of November 2014

Students at the University of New Mexico wishing to report a sexual assault, a stalker, “revenge porn” video or other sexual misconduct have a number of options available. UNM has a newly updated Sexual Misconduct and Assault Response Team (SMART).

Two federal laws—The Clery Act and Title IX—set the standards for how universities report and handle cases of sexual violence involving students, staff or faculty on or near campus. Both laws are designed to make campuses safer, but have different requirements for responding and reporting.

Title IX Requires Universities to Aggressively Protect Student Civil Rights

The U.S. Department of Education’s Title IX of the Education Amendments of 1972 is administered by the Office of Civil Rights. When a student on campus suffers sexual violence, the U.S. Government considers it a violation of her or his civil rights.

In 2011, all universities receiving federal funds also received a “Dear Colleague” letter that explicitly spelled out what universities are expected to do. The letter emphasized that Title IX protects students from sexual violence including rape, sexual assault, sexual battery and sexual coercion. All these acts are considered forms of sexual harassment defined as unwelcome conduct of a sexual nature.

Under Title IX, universities are required to:

- Disseminate [a notice of nondiscrimination](#). UNM has a website, LoboRespect.unm.edu that gives detailed information about how to report sexual violence, learn about training and find resources that can be useful.
- Designate at least one employee to coordinate efforts to comply with Title IX. UNM’s designated Title IX coordinator is Bryan Brock, the director of the [UNM Office of Equal Opportunity](#). Much of the Title IX investigative work is done by EEO Compliance Manager Heather Cowan.
- [Adopt and publish grievance procedures](#) for providing prompt and equitable resolution of student and employee sex discrimination complains. All procedures and reporting information can be found at [LoboRespect](#).

Title IX violations are civil rights investigations so the standard of proof is preponderance of evidence, and is not as stringent as the state criminal statutes that UNM Police enforce which require proof beyond a reasonable doubt for a jury conviction.

“Sexual harassment is conduct of a sexual nature that is so severe, pervasive or frequent that it interferes with someone's ability to learn, to have full access to an academic program or work,”

according to Cowan, whose office is required to investigate complaints it receives and strives to complete all investigations within 90 days.

If the University knows or reasonably should know about allegations of sexual harassment, UNM is obligated to take action as long as one or both parties are part of the UNM community of faculty, staff and students whether or not the incident occurred on campus. A university is considered to “reasonably know” if any staff or faculty member receives information about an allegation. UNM staff and faculty are obligated to report this information to OEO in order for UNM to be in compliance with Title IX.

If the University’s investigation of a report finds that behavior has created a hostile environment, immediate action must be taken to eliminate the harassment, prevent its recurrence and address its effects. Depending on the complaint, action taken can range widely, from talking with the perpetrator to expelling him or her from school.

UNM offers monthly training to inform staff and faculty on their Title IX responsibilities and obligations through Employee and Organizational Development. Training can be obtained by searching Title IX in the UNM’s Learning Central catalog and signing up, or by contacting OEO to request a session for a particular department.

Clery Act Reporting Is Changing

Sexual violence is one of the crimes that must be reported under the other federal campus safety law enforced by the Department of Education—the Clery Act. Officially called the Jeanne Clery Act, this law requires universities to report statistics for certain kinds of crime and is intended to give parents and students a reasonable idea about the safety of a particular school.

Under the Clery Act colleges and universities are required to:

- Publish an annual security report documenting three calendar years of select campus crime statistics. UNM compiles and publishes its report the first of October each year and posts it for review on the campus Police Department website.
- Maintain a public crime log. The log is also located at the UNMPD.
- Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities. Posting of this information should include Greek housing, remote classrooms and areas where students may work and/or live, such as Lobo Village or the downtown Arts Lab at 5th and Central.
- Issue timely warnings about Clery Act crimes, which pose a serious or ongoing threat to students and employees. Such announcement may include a news release or campus alert.
- Devise [an emergency response](#), notification and testing policy. UNM has an extensive emergency notification system called LoboAlert which uses texts, emails and sirens to warn all students, staff and faculty. The system is tested at the beginning of each semester.
- Compile and report fire data to the federal government and publish an annual fire safety report. This information is included in the annual Clery report published by UNMPD.
- Enact policies and procedures to handle reports of missing students.

Under the Clery Act, each branch campus must maintain crime statistics and publish their own reports, separate from the main campus report. UNM has designated Deputy Police Chief Christine

Chester as an interim Clery coordinator to ensure that the university keeps up with the expanding requirements under this federal law.
