

# The University of New Mexico – DOJ Agreement One-Year Progress Report

October 17, 2016 – October 16, 2017

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



The U.S. Department of Justice, the United States Attorney’s Office for the District of New Mexico, and The University of New Mexico (UNM), entered into a three-year agreement on October 17, 2016, involving UNM’s obligations 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. As part of the effort to ensure a safe campus, UNM is committed to preventing sexual misconduct and gender discrimination, conducting fair processes for all, and providing a secure and caring environment for the entire campus community. Regardless of changes made to Title IX compliance nationally, UNM is continuing to provide the training and resources needed to combat these serious issues. The university has taken significant steps to address a number of concerns but has more work to do in attempting to change attitudes and behaviors.

In the past year, UNM has made substantial progress in complying with the delineated tasks and implementing improvements. This Progress Report details the tasks UNM has completed during the first year of the three-year agreement.

### UNM Training:

- UNM has trained thousands of employees about workplace harassment, including sexual harassment, various types of discrimination, Title IX compliance, and the Campus SaVE Act. UNM currently requires *all* faculty, staff, and student employees to take an online training course, “*Intersections: Preventing Discrimination and Harassment*,” on an annual basis. This across-the-board training makes the campus safer for everyone.
- For the 2016 calendar year, UNM’s employee training had broad participation by our 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.**
- Our regular staff and faculty had impressive completion rates.

<u>Regular Staff</u>	<u>% Complete</u>
Contract Staff	99.4%
CWA Bargaining Unit	97.7%
Exempt Staff	99.6%
Non-Exempt Staff	99.1%
Police Bargaining Unit	97.6%
USUNM Bargaining Unit	98.7%
<b>Total Regular Staff</b>	<b>99.1%</b>

<u>Regular Faculty</u>	<u>% Complete</u>
12 Month Faculty	97.9%
9 Month Faculty	95.4%
Executive Faculty	100.0%
Post Doctoral and Fellows	97.3%
<b>Total Regular Faculty</b>	<b>96.9%</b>

- This all-employee training effort has continued into 2017. The due date for completion of the 2017 employee training is December 1.
- Pursuant to the agreement, UNM is providing interactive and intensive *in-person* training on the prevention of sexual harassment and misconduct, and our policies and procedures regarding Title IX complaints, to thousands of students on the campus. 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.

- 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.

A summary of our student training efforts to date:

- **Since March 24, 2017, 76 undergraduate training sessions have been completed and 13,982 undergraduates have been trained (including New Student Orientation for 2015, 2016, 2017, spring and summer 2017).**
- **Sessions for “*The Grey Area for Graduate and Professional Students*” training programs began in June 2017. Since then, 50 graduate and professional training sessions have been completed and 1,954 graduate and professional students trained.**
- Sixty (60) sessions are scheduled for fall 2017 through mid-November. More sessions are currently being scheduled.
- Attendance tracking is currently being completed via an automated LoboCard system for students who have a LoboCard ID. All others use a sign-in process to check in. For example, HSC does not use the LoboCard system for their IDs.
- **To date, 1,527 students have received the “*The Grey Area*” training at Gallup, Los Alamos, Taos and Valencia.**
- All students who received “*The Grey Area*” in-person training in the summers 2015 and 2016, and are still enrolled at the university, will take “*Campus Clarity: Think About It*” online training modules during the 2017-2018 academic year.
- The agreement requires that UNM personnel involved in processing, investigating, or resolving complaints of sexual misconduct receive additional training. This includes intensive and specialized training for Office of Equal Opportunity 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.

- **Staff members at the UNM Police Department, Office of Equal Opportunity, and Dean of Students Office, have collectively participated in more than 1,500 hours of training focused on Title IX, Trauma Informed Investigation, Inherent Bias, and Rape Crisis.**
- In January 2017, UNM engaged Dr. Chris Wilson, a nationally known professional trainer, to conduct an intensive, multi-day training session relating to *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 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 through the Psychology Department at 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.
- 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.
- UNM’s Ombuds Services for Staff, which is a university office dedicated to supporting efforts of UNM employees to improve communication and collaboration in the workplace, has developed a workshop for responsible employees on listening and responding constructively when approached with a report of sexual misconduct. The workshop entitled “Responsible Listening” is approximately three (3) hours in length and is provided in-person.

### **Policies, Procedures & Practices:**

- The agreement requires changes to several of UNM’s policies, procedures, and practices relating to sexual harassment and misconduct. Prior to the start of the Department of Justice 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. UNM has been working on revisions to UAP 2740. The Office of Equal Opportunity also made significant edits to UAP 2720: Equal Opportunity, Non-Discrimination, and Affirmative Action, to address the Department of Justice and other concerns. These policies (UAP 2720 and UAP 2740) will go out for comment in late fall or early spring and at that time, UAP 2730: Sexual Harassment will be rescinded.

- UNM’s interim president has convened a Presidential Task Force related specifically to identifying responsible employees at UNM and the requirements, under policy, of those employees who are not specifically identified as responsible employees. This task force may suggest changes to UAP 2740.
- **As part of the agreement, 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 Department of Justice. Newly adopted (in June 2016) Office of Equal Opportunity procedures include:
  - Discrimination Claims Procedure;
  - Checklist for Formal Investigation Process – Individual; and,
  - Checklist for Formal Investigation Process – Departmental.
- Dean of Students Office procedures adopted in 2017 include:
  - Supportive measures, such as academic and administrative actions; and,
  - Safety measures, such as interim bans and no contact directives.
- New guidance documents improve regular communication between UNM Units.
  - 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;
  - 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; and,
  - The UNM Police Department has developed a system for consistent referrals of sexual harassment and misconduct cases to UNM’s Title IX Coordinator.
- UNM has started to implement new internal reporting systems to record crucial information involving the investigation of sexual harassment and misconduct matters.

### **Staffing:**

- UNM has a Title IX Coordinator and five (5) Civil Rights Investigators who work in the Office of Equal Opportunity on sexual harassment and misconduct matters. Although two of the investigator positions were temporary, UNM established permanent funding in next year’s budget for these positions. In addition, a new Administrative Assistant was hired in the

Office of Equal Opportunity to assist with data collection and input, quality assurance of data, and administrative tasks to support investigators.

- 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 office. With this addition, the Dean of Students Office now utilizes seven (7) Advocates – five (5) in LoboRESPECT and two (2) in the Women’s Resource Center.
- In 2017, UNM’s Women’s Resource Center hired a new director. The center is a place of advocacy, support, and safety for all members of UNM and the greater community. The Women’s Resource Center also hired a gendered violence program coordinator who, in collaboration with the Education Coordinator at LoboRESPECT, 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, the center 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.
- **Respondent Support Services (RSP) - The University of New Mexico aims to create a safe learning environment for all students. Should the Office of Equal Opportunity identify a student as a respondent during an investigation, respondents are encouraged to contact the Dean of Students Office to inquire about Respondent Support Services. The RSPs are trained resource staff at the University of New Mexico. These individuals undergo extensive training to be able to assist respondents with navigating the investigation process. RSPs are able to offer nearly 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.
- 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 located 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.

### Campus-wide Efforts:

- UNM receives suggestions on improving the campus climate through climate surveys:
  - During Spring Semester 2016, UNM conducted a Main Campus campus-wide climate survey to make sure that UNM is serving the student population regarding campus climate. The results are located at [http://oeo.unm.edu/title-ix/campus\\_climate\\_survey.html](http://oeo.unm.edu/title-ix/campus_climate_survey.html). 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 Semester 2017, UNM conducted two campus climate surveys.
    - At UNM's branch campuses, the National Campus Climate Survey (NCCS) was utilized, through a vendor, SoundRocket. 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.
    - Also during Spring Semester 2017, for 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.
- On February 1, 2017, UNM implemented 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. These efforts include continued campus climate surveys on sexual misconduct, evaluations of student and staff/faculty trainings, and focus groups with students to qualitatively assess how UNM can improve reporting and responding to incidents of sexual misconduct and retaliation.

- In August 2017, UNM updated the LoboRESPECT website. This website includes comprehensive information on UNM’s prevention education efforts and programs, services and support for victims of sexual misconduct, and policies.
- **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 for quick reference.**
- In September 2017, 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.
- As part of Safety Week, 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.
- ASUNM, the undergraduate student government group, is spearheading local participation in a national prevention and awareness campaign called “It’s On US.” In September 2017, ASUNM filmed a video to bring awareness to the It’s On US campaign.

### **Faculty Efforts:**

- **UNM faculty have 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 to focus on the execution of the DOJ agreement and/or prevention of sexual harassment and misconduct at UNM. Faculty SAFE UNM is represented by a core group of approximately 20 faculty members and more than 60 others, who monitor the work of the group.**
- In February 2017, Faculty SAFE UNM, in cooperation with the Feminist Research Institute, the Health Sciences Center Faculty Council, and OEO, hosted Dr. Jennifer Freyd from the University of Oregon for a keynote lecture. 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 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.
- 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 have spearheaded efforts to increase research on sexual violence and gender inequality at UNM, by bringing the CDC-funded University of Kentucky Multi-College Bystander Efficacy Evaluation study to UNM from 2017 to 2019.
- In October 2017, UNM Professor Elizabeth Hutchison presented a talk at Columbia University as part of a forum titled “Beyond Prevalence: The Next Generation of Research on Campus Sexual Assault” as part of the “Reframing Gendered Violence” series hosted by CU’s Center for the Study of Social Difference. The Center is grounded in the idea that a consensus has emerged that campus sexual assault is a serious public health problem, and that innovative and effective prevention requires research that both includes and extends beyond simply measuring the scope of the problem. This research relates directly to the actions being taken on the UNM campus.
- In November 2016, the Faculty Senate passed a Resolution Regarding Faculty Reporting Obligations at The University of New Mexico, found at <https://facgov.unm.edu/ResolutionsList.html>. 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.

### Web Resources:

- 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>
- 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/>

## Conclusion:

At UNM, “each of us defines all of us.” That means each of us must support, respect and acknowledge one another in our differences and in our challenges. The culture of contrasts that we embrace gives us the tools we need to make changes that make a difference. Together, we will protect the pack.

-Chaouki Abdallah, Interim President

For additional information, please contact:

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