

# UNM Anti-Sexual Harassment Policy

Has your professor asked you on a date?

Does one of your peers continuously call you for dates after you tell him/her no?

What do you do if you receive pornographic unsolicited email?

All of these situations can constitute sexual harassment depending on the situation.

Read below to find out what your rights are.

## Your Rights

### Title IX & Sexual Harassment

Title IX protects you from unlawful sexual harassment in all the University's programs or activities, whether it takes place in the University's facilities such as classrooms halls, dormitories or vehicles, or at a class or at dormitories or vehicles, or at a class or training program sponsored by the University at another location. Title IX protects both male and female students from sexual harassment, regardless of who the harasser is.

### Types of Sexual Harassment That Can Happen to You:

#### Quid pro quo

This type of sexual harassment occurs in situations where a person in a position of authority over you causes you to believe that you must submit to unwelcome sexual conduct in order to participate in an educational program or activity. It can also occur when you are made to believe that an educational decision is based on whether or not you submit to unwelcome sexual conduct. For example, when a faculty member threatens to fail you unless you agree to date him/her, this is considered quid pro quo harassment.

#### Hostile Environment

This type of sexual harassment occurs when unwelcome sexual conduct is so severe, persistent, or pervasive that it affects your ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a University employee, another student, or even someone visiting the University. Examples: repeated flirtations, advances, or propositions, verbal abuse of a sexual nature; physical harassment such as impeding or blocking movement; graphic verbal comment about an individual's body; sexually degrading words used to describe an individual.

### Anonymity Requests-Students Alleging Sexual Harassment

You may request anonymity (absolute confidentiality) when alleging sexual harassment. The University's Office of Equal Opportunity (OEO) will evaluate the anonymity request in the context of the University's responsibility to provide a safe and nondiscriminatory work and learning environment. OEO will strive to abide by your request when you insist that your identity not be disclosed to the named harasser. However, the investigation of the claim may be negatively impacted because of the anonymity. OEO reserves the right to disclose your name when necessary to fulfill the University's obligations under anti-discrimination laws/regulations.



## What To Do About It

### What should you do if you have been confronted with sexual harassment?

You should immediately report it to the Office of Equal Opportunity. OEO has jurisdiction to investigate claims of discrimination and sexual harassment brought by students.

- You should complete an OEO Intake Form, which is provided by the OEO Office.
- You must submit a completed OEO Intake Form within 90 days of the incident that you are complaining about. OEO may extend this time limit for a good cause.
- The intake information will be reviewed and accepted or rejected within 8 working days of receiving the intake form.
- If you have issues outside of OEO's responsibilities, you may be referred to the Dean of Student's office for handling.

### Confidentiality

OEO strives to maintain confidentiality to the extent permitted by state and federal laws. However, the institution has an obligation to investigate and resolve civil rights claims. Therefore, OEO must share information with persons who have a legitimate "need to know."

All participants involved with an internal civil rights investigation have a strict duty to keep information confidential. Any attempt by any participant to influence the outcome of an investigation by divulging information to others (who have no legitimate "need to know") is grounds for disciplinary action.

### Anti-retaliation

The University of New Mexico wants an environment for faculty, staff, and students where they feel free to raise civil rights claims without any fear that they will be harmed if they complain. Federal and state civil rights laws prohibit retaliation against someone who files a claim of discrimination or participates as a witness in an investigation. For example: If you file a claim against a faculty or staff member or a student, they cannot harm you in any way, they cannot fire you from your job, give you a failing grade or physically or verbally threaten you for submitting a claim. Retaliation is not tolerated by the University, and may result in disciplinary action.

### Disposition of Student Claims

When OEO completes its investigation and determines there is CAUSE to believe that another student violated your civil rights, a written notice will be forwarded directly to the Dean of Students office pursuant to the Student Code of Conduct Policy to determine appropriate sanctions. The Student Code of Conduct Policy can be found in the University's Student Handbook, Pathfinder.

## Who To Contact

For the complete text of the procedure or additional information regarding students' rights under federal civil rights laws, contact:

### Office of Equal Opportunity

609 Buena Vista NE

MSC05 3150

1 University of New Mexico  
Albuquerque, NM 87131

(505) 277-5251

The Office of Equal Opportunity (OEO) has responsibility to investigate civil rights violations. Copies of the investigation procedure may be obtained from OEO in person at 609 Buena Vista NE or by calling (505) 277-5251. The Director of the Office of Equal Opportunity is Art Gonzales, who is also the Title IX Coordinator for the University and serves as the ADA coordinator.

If students would like to take their concerns outside of the University, they may contact:

### Office of Civil Rights, Denver Office

U.S. Department of Education

Federal Building, Suite 310, 08-7010

1244 Speer Boulevard

Denver, CO 80204-3582 (303) 844-5695

Fax (303) 844-4303; TTY (303) 844-3417

### Commitment and Support

The University of New Mexico is committed to the full implementation of all aspects of this policy. We ask that each of you join us in this commitment and that we work together to ensure a positive and productive environment for all University campuses.