

Year 1 Public Description of Work for
Action Collaborative on Preventing Sexual Harassment in Higher Education

The University of New Mexico

Alternative Reporting Policy on Sexual Misconduct

This Action Applies to Rubric Item(s):

Items 3, 10, 12, 13, 24, 28, 15, 17.

Description of Work:

The movement to revise the University of New Mexico's Title IX reporting policy – which since 2015 has defined all university employees as mandatory reporters – began in earnest in Summer 2016. UNM's faculty was already on high alert because of the release in April 2016 of the Department of Justice's damning report on the university's failure to comply with Title IX directives. Concerned about the university administration's harmful response, more than 70 faculty members formed an ad hoc association, [Faculty for an Assault-Free Environment at UNM \(Faculty SAFE UNM\)](#), which engaged the tools of public campaigning, shared governance, and education to increase support to all members of the university community and provide equal access to a safe working and educational environment. When faculty were subsequently instructed to disclose their status as responsible employees on their course syllabi, Faculty SAFE began lobbying for changes to the reporting policy in the university's [sexual misconduct policy](#).

Faculty SAFE led these efforts, but quickly gathered support from key administrative leaders, campus advocates, and compliance officers on Main Campus. Over the next two years, a variety of efforts were initiated – some led by Faculty SAFE, others in collaboration with administrative leaders – to advance campus dialogue on the question of mandatory reporting. The major actions under this initiative have included:

- Policy Working Group: In Fall 2016, Faculty SAFE was included in a working group convened by the Policy Office to consider changes to the reporting policy. This working group met over a period of several months, identifying the principle areas of common concern, but was unable to reach consensus about recommended changes.
- Faculty Senate Resolution: Also in Fall 2016, Faculty SAFE worked with the Faculty Senate to approve a resolution on [“Faculty Reporting Obligations under Title IX at the University of New Mexico,”](#) which affirmed the faculty's opposition to sexual misconduct and recommended that the existing policy be changed.
- Jennifer Freyd Consultancy: In February 2017, in collaboration with over a dozen academic departments and administrative offices, Faculty SAFE brought Dr. Jennifer Freyd to campus to provide the keynote [“Addressing Sexual Assault: Moving from Institutional Betrayal to Institutional Courage”](#) and conduct meetings with faculty, staff, and students. These events drew participants from units across UNM, including administrative leaders, OEO investigators, campus police, ombuds, advocates, and faculty and students.

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- TIX Syllabus Language:
 - In August 2017, having heard faculty concerns about the previous year's instructions by the Senior Vice Provost, Interim Provost Craig White clarified that this syllabus language was not required, citing the Faculty Senate resolution of November 2016.
 - Faculty SAFE subsequently developed and disseminated its recommended [Title IX syllabus statements](#): one indicates that faculty are mandatory reporters but highlights confidential resources; a second indicates that the faculty member respects student confidentiality; and a third details resources for students without mentioning the faculty's reporting role. These options are still disseminated twice yearly by Faculty SAFE and the Office of Academic Affairs.
- SAFE Outreach to Other Universities and Associations: Faculty SAFE leaders have presented on the UNM faculty's efforts to improve the university's response to campus sexual violence (and its concerns about reporting policies) in multiple venues, including the Columbia University conference on ["Beyond Prevalence: The Next Generation of Research on Sexual Assault"](#) and the [Committee on Assault Response and Educational Strategies \(CARES\)](#) panel at the Western Historians' Association's 2019 conference.
- Presidential Task Force on Reporting: In June 2018, Interim President Chaouki Abdallah created the Presidential Task Force on Reporting Sexual Misconduct and Harassment and Supporting the UNM Community, charged with 1) studying options for mandatory reporting and 2) recommending potential policy and/or procedural improvements regarding the responsibilities of UNM employees who learn of incidents of sexual misconduct and harassment on UNM's five campuses.
 - Co-chaired by leaders from Faculty SAFE and the Office of the President, and with participation from student and faculty groups, the Dean of Students Office, the Compliance Office, and the Title IX Coordinator, the committee created a [detailed proposal for limited mandatory reporting and mandatory supporting](#) (comparable to that of University of Oregon), along with a training and communications plan.
 - These recommendations were not implemented after delivery in January 2018 because of an impending transition in presidential leadership and opposition from key administrative units.
 - Throughout 2018, Task Force co-chair Hutchison and Title IX Coordinator Heather Cowan continued to offer presentations about mandatory reporting to campus groups, including Staff Council, College of Education Graduate Student Association, and the Graduate and Professional Students' Association.
 - Soon after beginning her new appointment as UNM President, Dr. Garnett Stokes reviewed the Task Force proposal and indicated her support for the effort to change UNM's reporting policy. President Stokes has continued to support research-based and victim-centered university policies and services, supporting among other initiatives a February 2020 conference at UNM on sexual violence in higher education (co-hosted with the Department of the Navy), which featured a [keynote address](#) by Dr. Beth Hillman on the [NASEM Action Collaborative on Preventing Sexual Harassment in Higher Education](#).

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As the above chronology indicates, even though efforts to change the university's reporting policy were unsuccessful, faculty leadership, in combination with the support and collaboration of campus advocates and key administrative leaders, generated campus-wide discussion; alerted students to the faculty's interest in supporting targets of campus violence; supplied faculty with victim-centered and trauma-informed syllabus language on Title IX; provided a detailed roadmap to change for future efforts; and fortified collaboration among key administrators, faculty, and campus practitioners.

A particularly important driver of this effort, Faculty SAFE, has through this and other initiatives built a visible presence for faculty engagement in preventing and ameliorating the harms produced by sexual misconduct, particularly those experienced by students but also by staff and faculty. SAFE has also become an integral part of how the administration invites and implements shared governance on TIX and sexual harassment issues, providing expertise and input on a variety of initiatives. SAFE's work is innovative in higher ed because it counters the national pattern of response to sexual violence by U.S. institutions that involve only administrative leaders, TIX and equity practitioners, and university counsel, to the exclusion of other stakeholders including university faculty.

As the university currently works to become compliant with the Title IX regulations that take effect on August 14, the recommendations of the President's Task Force on Reporting have come under new discussion among administrative and faculty leaders. If implemented, this model has important implications for change in higher education nationally, particularly as the elimination of reporting duties in the new Title IX regulations – in conjunction with the narrowed definition of sexual harassment and institution of live hearings – threatens to chill disclosures of sexual violence.

All of the above efforts are consistent with the findings and recommendations of the 2018 NASEM report, in particular: Leadership training/development (3); reinforcing community values (8); improved policies (10); trauma-informed response and education (12); anonymous and non-mandatory reporting (13); qualitative research on sexual harassment and conducting needed research (24 and 28); improved communication and increased transparency (15); increased or enhanced confidential resources (17).

Website for further information (if applicable): <https://facultysafeunm.wordpress.com/>

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