

Quick Reference for UNM Resources on Discrimination and Harassment

The Department of Anthropology upholds UNM's commitment to providing a safe, inclusive, and respectful learning, living, and working environment. The following information is provided to our students, faculty, and staff as a means to navigate the resources available on campus for fighting discrimination and harassment and to assist in understanding reporting requirements.

This information excerpts from but is not intended to substitute for the full legal and University policies. Please refer to the links for full policy information.

- **What is discrimination?** Discrimination is conduct based on a protected class that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently than similarly-situated individuals who are not in the protected class or otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in a University program or activity [[UNM Administrative policy 2720](#)]. Discrimination includes differential treatment or harassment on the basis of a protected class.
- **What is harassment?** Harassment is unwelcome conduct based on a protected class and can include, but is not limited to, slurs or epithets, graphic or written statements, or other behavior that may be physically threatening, harmful, or humiliating. Harassment violates UNM policy when it creates a hostile working environment [[UNM Administrative Policy 2720](#)].
- **What is sexual misconduct?** UNM policy collectively classifies sexual harassment, sexual violence, and intimate partner violence as "sexual misconduct", a special case of gender discrimination. Sexual harassment is unwanted conduct of a sexual nature which involves a quid pro quo or creates a hostile environment. Sexual violence refers to physical sexual acts perpetrated with force or coercion against a person's will; or where a person has not given consent or is unable to consent due to the use of alcohol or drugs, disability, or age. Intimate partner violence refers to physical, emotional, or psychological violence that threatens, creates fear, or causes intimidation to another person within the context of an intimate (meaning sexual or romantic) or formerly intimate relationship. It may include dating violence, domestic violence, or domestic abuse. It could also include other behaviors such as stalking or sexual violence. *Sexual and intimate partner violence are crimes.* [[UNM Administrative Policy 2740](#)]
- **When is discrimination, harassment, or sexual misconduct a University matter?** When it affects University personnel or activities. The University's policies apply to incidents that have

PROTECTED CLASSES are defined by age, ancestry, color, ethnicity, gender, gender identity (including gender expression), genetic information, national origin, physical or mental disability, pregnancy, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation, and veteran status.

A **HOSTILE WORKING ENVIRONMENT** exists when harassment is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

Mere offensiveness is not enough to create a hostile working environment...consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive.

[UNM Policy 2720]

adverse effects on campus, regardless of where the activity occurred. These policies generally apply to the behavior of University students, staff, or faculty during UNM-affiliated activities, in addition to interactions between University students, staff, or faculty that may affect campus programs, even if these occur off-campus. However, they may also apply more broadly, such as when an allegation of sexual misconduct is made by or against a UNM student or employee, or when crimes occur on campus or during campus activities, regardless of the affiliation of the parties involved.

- **Who is responsible for investigating discrimination, harassment, and sexual misconduct at UNM?** The Office of Equal Opportunity (OEO, o eo.unm.edu) is the independent, impartial, and neutral campus entity designated to ensure compliance with this policy and other policies that apply to civil rights. Some matters, including cases of sexual violence and hate crimes, may additionally merit investigations by law enforcement.
- **What should I do if I experience discrimination, harassment, or sexual misconduct?**
 - Your safety and well-being are the first priority.
 - If you are in immediate danger, call 911.
 - For victims of sexual misconduct, UNM and community partners have developed a [Sexual Misconduct and Assault Response Team](#) (SMART) that provides a menu of resources for victims to choose from.
 - UNM counselling resources can provide free, anonymous assistance at any stage.

Crisis & Counseling Services:

- **STUDENT HEALTH AND COUNSELING** (SHAC, shac.unm.edu), 505-277-3136, available 24 hrs. Provides a range of health services, including mental health services and after hours crisis counselling. *UNM Students only.*
- **ALBUQUERQUE SEXUAL ASSAULT NURSE EXAMINERS** (SANE, abqsane.org): 505-884-SANE(7263), available 24 hrs. 625 Silver SW. Provides free medical and forensic exams by trained nurses, emergency contraception, treatment for STIs, evidence collection, forensic photographs, and follow-up reports. *SANE may be able to collect evidence up to 5 days after an assault.*
- **UNM POLICE** (505-277-2241) will provide free transportation to SANE, even if you choose not to file a police report. UNM Police have specially-trained SMART officers who respond to sex crimes on campus.
- **RAPE CRISIS CENTER OF CENTRAL NEW MEXICO** (rapecrisiscnm.org): 505-266-7711, available 24 hrs. 9741 Candelaria NE. Provides victim advocacy and free counselling. An advocate can meet you for a SANE exam and attend meetings or hearings with you.
- **COUNSELING, ASSISTANCE, AND REFERRAL SERVICES** (CARS, cars.unm.edu), 505-277-6868, 8am to 5pm, 1800 Mesa Vista Rd NE. Assists UNM faculty, staff, retirees, and spouses/partners with a range of professional and personal concerns.

- File an official report *AND/OR* obtain an advocate.
 - The Office of Equal Opportunity (OEO) holds all responsibility for investigating incidents of discrimination or harassment. You may report directly to them. All complaint forms and claims procedures are available online. <https://oeo.unm.edu/forms/index.html>. For some matters, you may additionally wish to file a report with law enforcement (UNM Police, for on-campus occurrences, 277-2241).

- UNM has three advocacy centers authorized to provide free, confidential support for victims of sexual misconduct, discrimination or harassment. Additional services are available in the community. Advocates do not make reports or investigate claims, but they can help you understand your options for reporting and provide resources.

○ ***Will my confidentiality be protected?***

- Health care professionals are bound by confidentiality, and you are not required to disclose the nature of an incident to obtain services.
- When you use an advocacy service, your identity is completely confidential. Advocates can help you navigate the process for reporting an incident, if you wish to do so. They will not share your information or file a report without your signed consent. UNM advocacy centers are required to report only the date, time, location, and nature of incidents of sexual misconduct to the OEO and UNM Police Department. These are used for statistical purposes and do not launch an investigation. Advocates are there for your well-being.
- Once a report has been filed with the Office of Equal Opportunity, they will protect your confidentiality to the extent possible. However, it is often not possible to do so while properly investigating a claim. For example, University policy specifies that an individual who has been accused of discrimination or harassment has the right to know what the specific allegations are and who made the allegations.

On-Campus Advocacy Services

- **LOBORESPECT** (loborespect.unm.edu): 505-277-2911, 24-hrs. Single point of entry for UNM students to obtain information, support, and advocacy services in the aftermath of any crisis. Confidential reporting location.
- **LGBTQ RESOURCE CENTER** (lgbtqrc.unm.edu): 505-277-5428 (LGBT). Free and confidential counselling and a hate-bias intake center to help you in reporting. Available to faculty, staff, students, and UNM community members.
- **WOMEN'S RESOURCE CENTER** (women.unm.edu): 505-277-3716, M-F 8am-5pm. Free counselling, crisis intervention, and advocacy. Available to faculty, staff, students, and UNM community members.

Community Advocacy Services:

- **RAPE CRISIS CENTER OF CENTRAL NEW MEXICO** (rapecrisiscnm.org): 505-266-7711, available 24 hrs. 9741 Candelaria NE. Provides victim advocacy and free counselling.
- **ABQ FAMILY ADVOCACY CENTER** (www.cabq.gov/albuquerque-family-advocacy-center/): 505-243-2333. Provides advocacy and support for victims (and their family members) of domestic violence, child abuse, and sexual assault.

○ ***Can my professor or another faculty or staff member be an advocate?***

No. Members of the department can assist you in filing a report or seeking the help of an advocate. Any member of the faculty or staff can and will help. However, they are required to forward any specific report of discrimination, harassment, or sexual misconduct to the OEO. As such, departmental faculty and staff cannot serve a confidential advocacy role.

○ ***What should I do if I witness or hear about discrimination or harassment?***

- If you are a University employee, you may be bound by policy/law to report discrimination or harassment to the Office of Equal Opportunity (OEO). See details below.
- Other University members (e.g., students) are encouraged to report specific incidents of discrimination or harassment to the OEO. We also encourage you to discuss the incident with the department chair or another trusted member of the department.

○ ***Who is a “responsible party” or “mandatory reporter”, and what does that mean?***

- Title IX requires all UNM faculty, staff, graduate assistants, and teaching assistants to report incidents of gender discrimination, including sexual harassment, sexual misconduct, and sexual violence to the Title IX Coordinator at the Office of Equal Opportunity (OEO) within 24 hours or as soon as reasonably practicable.
- UNM Policy on discrimination (2720) also requires UNM faculty, administrators, and supervisors to report other cases of discrimination or harassment to the OEO.
- Mandatory reporting applies to incidents that are witnessed or reported either orally or in writing. Reporters are required to disclose all details of the incident that they are aware of, including the identity of the accuser, the victim, and the alleged perpetrator.
- Healthcare providers and UNM advocacy centers (LoboRESPECT, LGBTQ Resource Center, and Women’s Resource Center) are exempt from mandatory reporting requirements.
- Responsible parties should make their role clear to the person discussing the incident as soon as possible. They cannot make special arrangements to discuss allegations without reporting them.

○ ***Should I be scared to report an incident?*** UNM prohibits retaliation against victims and reporters of discrimination or harassment. Reports of retaliation should also be reported to the OEO for investigation. UNM also provides amnesty for students who may have violated the Student Code of Conduct (e.g., drug or alcohol use) at the time that they experienced a reported incident of sexual misconduct.

○ ***What is the Department’s responsibility to victims of discrimination, harassment, or sexual misconduct?***

- All members of the department should be well-versed in campus counselling and advocacy resources and reporting requirements and should take immediate steps to assist students and other campus members that are in crisis.
- As responsible parties, faculty and staff must promptly report all incidents of discrimination, harassment, or sexual misconduct to the OEO. Graduate and teaching assistants are also required to report sexual misconduct (see above)

- The Department is obligated to comply with the OEO investigation. The Department cannot conduct any independent investigation.
- Outside of communications with the OEO, the Department is obligated to maintain the confidentiality of accusers, reporters, and alleged perpetrators to the extent possible while protecting the safety of the parties involved.
- While an investigation is pending, the Department is responsible for protecting the accuser and/or reporter and any vulnerable individuals. This includes immediately minimizing the potential for further harm or retaliation. The Department should also promptly report any retaliation by the accuser or other individuals.

○ **How do I report bullying?**

Bullying that is based on a person's protected class is discrimination, and the information above applies. If you experience other forms of bullying, we strongly encourage you to report this to a supervisor in the department, such as your advisor or the department chair. If you do not feel comfortable doing so, LoboRESPECT can provide confidential resources and options. The Dean of Students Office (doso@unm.edu, 505-277-3361) can provide assistance to all students regarding resources and avenues to address bullying incidents on the UNM Campus or during UNM affiliated events. Faculty and staff are encouraged to consult with UNM's [Ombuds Services](#) (505-277-2993) which provide confidential consultations, facilitated conversations, and referrals to UNM policies and resources.

Please refer to UNM's guidance on resolving grievances between faculty and [undergraduate students](#), or between faculty and [graduate students](#).

○ **What do I do if I witness or am victim to a hate crime?**

UNM Police have an online form for reporting hate crimes. You may report anonymously. <https://police.unm.edu/default.aspx?MenuItemID=249&MenuGroup=Public+Home>

○ **Does UNM provide other kinds of assistance for students in crisis?**

In addition to their counselling and advocacy services, LoboRESPECT maintains a menu of [on- and off-campus resources](#) for students who may require assistance with housing, immigration, food and shelter, substance abuse, veteran's issues, disabilities, or legal aid.

Additionally, the [Campus Assessment Response Education \(CARE\) Team](#) provides a general reporting mechanism for faculty and staff to initiate responses to disturbing and potentially dangerous behavior from students.

BULLYING is defined by the University as sufficiently severe, persistent or pervasive mistreatment which a reasonable person would consider to improperly interfere with the individual's work or school performance or participation. Differences of opinion, conflicts, or problems in relationships occasionally occur as a normal part of working or academic life and should not be considered bullying. Nor is it bullying for a supervisor to note an employee's poor job performance and potential consequences within the framework of University policies and procedures, or for a professor or academic program director to advise a student of unsatisfactory academic work and the potential for course failure or dismissal from the program if uncorrected. – ([UNM Respectful Campus Policy 2240](#))

HATE CRIMES. Under New Mexico state law, hate crimes are "motivated by hate," meaning the commission of a crime with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, disability, gender, sexual orientation or gender identity of the victim, whether or not the offender's belief or perception is correct. NMSA 1978, Section 31-18B-1.

References and Resources

Index of UNM policies on discrimination, harassment, and related topics:

<https://oeo.unm.edu/resources/related-unm-policies.html>

UNM Administrative Policies and Procedures Manual, Policy 2720: Prohibited Discrimination and Equal Opportunity <https://policy.unm.edu/university-policies/2000/2720.html>

UNM Administrative Policies and Procedures Manual, Policy 2740: Sexual Misconduct https://policy.unm.edu/university-policies/2000/2740.html#reporting_misconduct

UNM Administrative Policies and Procedures Manual, Policy 2240: Respectful Campus <http://policy.unm.edu/university-policies/2000/2240.html>

U.S. Department of Education Title IX: https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

Student code of conduct: <http://pathfinder.unm.edu/code-of-conduct.html>

Visitor code of conduct: <http://pathfinder.unm.edu/visitor-code-of-conduct.html>

UNM Office of Equal Opportunity: <https://oeo.unm.edu/>

OEO List of campus resources for safety & health, diversity, and student support. <https://oeo.unm.edu/resources/index.html>

LoboRespect Resource Guide: <https://loborespect.unm.edu/support/resource-guide1/resource-guide.html>

UNM Sexual Misconduct and Assault Response Team (SMART) Services brochure: <https://loborespect.unm.edu/Get%20Help%20now/sexual-misconduct/smart-brochure.pdf>