



POLICY NAME	Discrimination & Harassment – Civil Rights Policy	POLICY NO.	CC611
APPROVING BODY	Board of Regents	VERSION NO.	02
RESPONSIBLE DEPARTMENT	Compliance & Communications – Civil Rights & Title IX		
EFFECTIVE DATE	01-AUG-2024 21-MAR-2025	REVIEW/REVISION DATE	21-MAR-2025

PURPOSE:

Western New Mexico University (WNMU) is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

POLICY:

NOTICE OF NONDISCRIMINATION

WNMU seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in public post-secondary education institutions.

WNMU does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived:

- Age
- Ancestry
- Color
- Disability
- Gender identity
- Any other basis prohibited by applicable Federal and State Law
- Genetic Information
- National Origin
- Pregnancy or related conditions
- Race
- Religion
- Sex
- Sexual Orientation
- Spousal Affiliation
- Veteran or Military Status

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of WNMU community whose acts to deny, deprive, unreasonably interfere with or limit the education or employment, residential and/or social access, benefits, and/or opportunities of any member of WNMU’s community, guest, or visitor on the basis of that person’s actual or perceived protected characteristic(s), is in violation of this Policy.

Students and employees are entitled to an educational and employment environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit

educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom.

This policy prohibits retaliation against a person who files a complaint of discrimination or harassment. This policy also prohibits retaliation against any person who assists someone with a complaint of discrimination or harassment or who participates in any manner in an investigation or resolution of a complaint of discrimination or harassment.

WNMU will promptly and effectively address any such discrimination of which it has knowledge using the resolution process in the Discrimination and Harassment – Civil Rights that can be accessed here: [SOP611 – Civil Rights Grievance Procedure](#)

SCOPE

NOTE: This Policy is only applicable to alleged incidents that occur **on or after August 1, 2024**.

This Policy applies to all faculty, staff, students, and other individuals participating in or attempting to participate in WNMU's program or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of the protected characteristic(s), and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

JURISDICTION

This Policy applies to WNMU's education programs and activities (defined as including locations, events, or circumstances in which WNMU exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where WNMU has disciplinary authority, and to misconduct occurring within any building owned or controlled by WNMU. A Complainant does not have to be a member of WNMU community to file a Complaint, at the discretion of the Director or designee.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to WNMU's education program or activities.

For disciplinary action to be issued under this Policy, the Respondent must be a WNMU faculty member, student, staff, or university affiliate at the time of the alleged incident. If the Respondent is unknown or is not a member of WNMU community, the Director or designee will offer to assist the Complainant in identifying appropriate university and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). WNMU can also assist in contacting local or university law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving WNMU through third-party contracts are subject to the policies and procedures of their employers and to these policies and procedures to which their employer has agreed to be bound by their contracts.

When a party is participating in a dual enrollment/early college program, WNMU will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, the Director or designee can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Director or designee may be able to assist and support a student or employee Complainant who experiences discrimination in an internship, study abroad program, or other environment external to WNMU where harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Director or designee if brought to their attention.

REPORTING

The following individuals have been designated to coordinate WNMU's compliance with federal, state, and local civil rights laws and ordinances:

Executive Director Civil Rights and Title IX Office of Civil Rights and Title IX Global Resource Center, Room 103E P.O. Box 680 (575) 538-6025 titleix@wnmu.edu https://titleix.wnmu.edu/

Deputy Title IX Coordinator Office of Civil Rights and Title IX Global Resource Center, Room 103F P.O. Box 680 (575) 538-6027 deputytixc@wnmu.edu https://titleix.wnmu.edu/
--

Collectively, these individuals receive annual training and are responsible for providing comprehensive nondiscrimination education and training; coordinating WNMU's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

Reports can be made by mail, telephone, email, in person, or electronically using the following link: [Report It](#). This report can be made at any time, including during business hours.

WNMU recognizes that allegations under this Policy may include multiple forms of discrimination and harassment as well as violations of other WNMU policies; may involve various combinations of students, employees, and other members of WNMU community; and may require the simultaneous attention of multiple WNMU departments. Accordingly, all WNMU departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable WNMU policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

CONFIDENTIAL EMPLOYEES

There are three categories of Confidential Employees:

- Those with confidentiality bestowed by law or professional ethics, such as mental health counselors;
 - to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice.
- Those whom WNMU has specifically designated as Confidential Resources for purposes of providing support and resources to the Party;
- Those conducting human subjects research as part of a study approved by WNMU's Institutional Review Board (IRB).

These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

Those designated by WNMU as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Director or designee's contact information and offer options and resources without any obligation to inform an outside agency or WNMU official unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

1. University Mental Health Therapist (575) 538-6886
 - a. [Mental Health Services - Student Mental & Medical Health \(wnmu.edu\)](https://www.wnmu.edu/mental-health-services)
2. University Ombuds
 - a. A list of Ombuds and their contact information can be found on the university website at [University Ombuds - Our Administration \(wnmu.edu\)](https://www.wnmu.edu/ombuds)

They will assist in a crisis and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, and University disciplinary action.

MANDATORY REPORTER

All WNMU faculty and employees), other than those deemed Confidential Employees, are Mandatory Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, retaliation and/or Other Prohibited Conduct to appropriate officials immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal WNMU action.

Complainants may want to carefully consider whether they share personally identifiable details with Mandatory Reporters, as those details must be shared with the Director or designee.

If a Complainant expects formal action in response to their allegations, reporting to any Mandatory Reporter can connect them with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass Notice to the Director or designee (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

Failure of a Mandatory Reporter to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of WNMU Policy and can be subject to disciplinary action for failure to report.

A Mandatory Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

STANDARD OF REVIEW

WNMU uses the preponderance of the evidence standard of review when determining

whether a Policy violation occurred. This means that WNMU will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

CONFLICT OF INTEREST

The Director and any member of the Civil Rights and Title IX Team will perform their duties free from bias and conflicts of interest. The members of the Civil Rights and Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants or Respondents in general.

To raise any concern involving bias or conflict of interest by the Director or designee, contact the Vice President of Compliance and Communications. Concerns of bias or a potential conflict of interest by any other Civil Rights and Title IX Team member should be raised with the Director or designee. In any situation where the Director or any member of the Civil Rights and Title IX Team has a conflict of interest, a designated employee approved by the Vice President of Compliance and Communications shall assume duties imposed under this Policy.

MODIFICATION AND REVIEW OF POLICY

This Policy succeeds previous policies addressing discrimination, harassment, , and/or retaliation, though previous policies and procedures remain in force for incidents occurring before August 1, 2024. The Director or designee reviews and updates these policies and procedures regularly. WNMU reserves the right to modify this policy as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be modified to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.