



POLICY NAME	Discrimination & Harassment – Title IX Policy	POLICY NO.	CC613
APPROVING BODY	Board of Regents	VERSION NO.	05
RESPONSIBLE DEPARTMENT	Compliance & Communications – Civil Rights & Title IX		
EFFECTIVE DATE	14-AUG-2020 Interim 01-SEP-2020 Final; 28-APR-2023 Revised 01-AUG-2024 Updated/ 09-JAN-2025 Vacated 21-MAR-2025 Final 18-AUG-2025 Interim	REVIEW/REVISION DATE	18-AUG-2025

PURPOSE:

Western New Mexico University is committed to maintaining and promoting safe and respectful campus environments that are free from sex discrimination and retaliation. The University is committed to promoting fairness and equity for all aspects of educational programs or activities. The policy and procedures that are in place provides prompt, fair, and impartial resolution for all parties involved in the complaint process. The University will take prompt and effective steps to stop, prevent recurrence, and remedy the effects of sex discrimination.

POLICY:

NOTICE OF NONDISCRIMINATION

WNMU complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Violence Against Women Act (VAWA), Clery act, and the Campus Sexual Violence Elimination Act.

Sex Discrimination covered by this policy include:

Sexual Harassment	Sexual Assault	Dating Violence
<ul style="list-style-type: none"> • Quid Pro Quo • Title IX Sexual Harassment 	<ul style="list-style-type: none"> • Rape • Sodomy • Sexual Assault with an Object • Criminal Sexual Contact • Incest • Statutory Rape 	<ul style="list-style-type: none"> • Domestic Violence • Stalking

This policy applies when the University has notice, in the form of actual knowledge, of a report or allegation of Sexual Discrimination that has been reported to the Title IX Coordinator or a Mandated Reporter (all University employees, faculty, staff, and administrators). Once the University has actual knowledge of sexual harassment it must respond promptly.

SCOPE

This Policy and procedure apply to all students, faculty, staff, and others participating in university programs and activities.

JURISDICTION

This Policy applies to prohibited conduct as described below:

- Occurs within the United States; and
- On campus or on property owned or controlled by the University; and/or
- Occurs within the University's education program or activity (educational, athletic, or extracurricular programs or activities); and/or
- At the time of the filing of a formal complaint, the Complainant and/or Respondent are participating in or attempting to participate in the education program or activity at the University.
- All incidents occurring prior to the effective date of this Policy are controlled by the Policy in effect at that time.

When the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or designee.

Allegations of misconduct that do not fall under this policy for example because they do not constitute prohibited conduct as defined in this section may constitute violations of other University Policies.

RETALIATION

RETALIATION PROHIBITED

Neither the University nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

COMPLAINTS OF RETALIATION

Complaints alleging retaliation may be filed according to the grievance procedures within the Discrimination & Harassment – Title IX policy.

SPECIFIC CIRCUMSTANCES NOT DEEMED RETALIATION

The following are not deemed to be acts of retaliation:

- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

REPORTING

Any person may report sex discrimination and sexual harassment, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) by the means described in this section or by any other means that results in the Title IX Coordinator or designee receiving the person's verbal or written report.

Although a person who has experienced sex discrimination may decline to report the incident, the University supports, encourages and will assist those who have experienced sex discrimination to report the incident to any individual or entity listed below.

The following individuals have been designated to coordinate WNMU's compliance with Title IX laws:

Title IX Coordinator

Office of Civil Rights & Title IX

Global Resource Center – Room 103E

PO Box 680

Phone: 575-538-6025

Email: titleix@wnmu.edu

Web: <https://titleix.wnmu.edu>

Deputy Title IX Coordinator

Office of Civil Rights and Title IX

Global Resource Center, Room 103F

P.O. Box 680

Phone: 575-538-6027

Email: deputytixc@wnmu.edu

Web: <https://titleix.wnmu.edu/>

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

MANDATED REPORTERS

All employees of the University with exception of those designated as Confidential Resources are required to promptly report to the Title IX Coordinator or designee any report of sex discrimination or sexual harassment made to the employee and report any conduct observed which appears to be sex discrimination or sexual harassment in a university education program or activity.

- **FAILURE TO REPORT** - University employees must share all details of behaviors listed in this policy with the Title IX Coordinator or designee. Failure to report is a violation of this policy and can result in disciplinary action for failure to comply.

CONFIDENTIAL RESOURCES (AS DEFINED IN THE SOP613 GLOSSARY).

The University has identified the following as confidential resources:

- University Mental Health Therapist (575) 538-6888
- University Ombuds - A list of Ombuds and their contact information can be found on the university website at admin.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, legal assistance, University disciplinary action, immigration services and criminal prosecution.

EMPLOYEE AND LABOR RELATIONS

A complaint of sex discrimination and sexual harassment may be brought to the Employee and Labor Relations Department, which will promptly inform the Title IX Coordinator or designee of the complaint.

LAW ENFORCEMENT

For conduct that could constitute a crime under New Mexico law, a Complainant is encouraged – but not required – to contact Campus Police or the local police agency in the jurisdiction in which the alleged incident occurred. Individuals who experience sexual violence are encouraged to preserve evidence and to note the identity and location of Witnesses. Contacting law enforcement to make a report allows for forensic evidence to be collected, including a SANE exam (Sexual Assault Nurse Examination) if needed, which may be helpful if a decision is made to pursue criminal charges.

PRESERVATION OF EVIDENCE

Preservation of evidence is critical in instances of sex discrimination. Prompt reporting may preserve options that delayed reporting does not, including the preservation of evidence (which may be helpful to prove sex discrimination or to obtain a judicial order of protection), the

support of crisis counseling, and immediate police response.

AMNESTY FOR STUDENTS

The University community encourages reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants and witnesses are hesitant to report to WNMU officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident.

Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to WNMU officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the grievance process.

To encourage reporting and participation, WNMU maintains a policy of offering parties and witness's amnesty from minor policy violations, such as underage consumption of alcohol or the use of other illicit drugs, related to the incident. [SOP613 Title IX Grievance Procedures](#)

CONFLICT OF INTEREST

The Title IX Coordinator and any member of the Title IX Team will perform their duties free from bias and conflicts of interest. The members of the 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 Title IX Coordinator, contact the Vice President of Compliance & Communications. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator or designee. In any situation where the Title IX Coordinator or any member of the Title IX Team has a conflict of interest, a designated employee approved by the Vice President of Compliance & Communications shall assume duties imposed under this Policy.

MODIFICATION AND REVIEW OF POLICY

Western New Mexico reserves the right to modify this policy to take into account applicable legal requirements or extraordinary circumstances. The University will review this policy on an annual basis to determine whether modifications should be made.