ANNUAL REPORT

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Submitted by:

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Director of OEO
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EXECUTIVE SUMMARY

The University of New Mexico (University) is committed to creating and maintaining a community that is free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, retaliation because of participation in civil rights protected activity, and disparate impact. The Office of Equal Opportunity is the neutral campus entity designated to ensure compliance with all University policies that apply to civil rights including investigations of civil rights violations. The University has policies that prohibit all forms of discrimination and retaliation, to include sexual harassment, a form of gender discrimination that is prohibited by state and federal law (including, but not limited to Title IX of the Education Amendments of 1972). The prohibition includes sexual violence, which is considered a severe form of sexual harassment.

The University is committed to providing equal access to educational and employment opportunities for all individuals. The university considers the following protected statuses:

- Age
- Ancestry
- Color
- Ethnicity
- Gender Identity
- Gender/Sex
- Genetic Information
- Medical Condition
- National Origin
- Physical or Mental Disability
- Pregnancy
- Race
- Religion
- Sexual Orientation
- Spousal Affiliation
- Veteran Status

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1 Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, religion, sex (gender), color, or national origin. The Pregnancy Discrimination Act (PDA) is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex (gender) in any educational program or activity receiving federal financial assistance. Both Section 503/504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination against qualified individuals with disabilities. Title IV of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex in public schools and colleges. The New Mexico Human Rights Act of 1978 and its amendments prohibit discrimination in employment on the basis of race, age, religion, national origin, sexual orientation, gender identity, spousal affiliation, ancestry, sex, physical or mental disability and serious medical condition. The Age Discrimination in Employment Act of 1974 (as amended in 1986) abolished mandatory retirement based on age and prohibits discrimination in employment against individuals age 40 and above. Title VI of the Civil Rights Act of 1964 prohibits discrimination in student programs on the basis of race, color, and national origin. The Equal Pay Act of 1983 prohibits discrimination in salary and wages on the basis of sex (gender). The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is a federal law that establishes rights and responsibilities for uniformed service members and their civilian employers. Vietnam Era Veterans’ Readjustment Assistance Act, as amended (VEVRAA) at 41 CFR Part 60-300. VEVRAA prohibits federal contractors and subcontractors from discriminating in employment against protected veterans, and requires employers to take affirmative action to recruit, hire, promote, and retain these veterans.
MISSION AND VISION STATEMENT

The Office of Equal Opportunity envisions the University as a community where the value of diversity is recognized and where equal opportunity is afforded to all.

The mission of the Office of Equal Opportunity is to promote equal access and treatment of all and to promote a safe environment free from discrimination and inequity in accordance with University values and policies and federal and state equal opportunity and affirmative action statutes and regulations.

WHAT OEO DOES

INVESTIGATES complaints of discrimination on the basis of a protected status, including sexual misconduct and failure to accommodate.

MAINTAINS neutrality in all formal and informal processes that address claims of discrimination.

PROVIDES guidance and training to the campus and community partners on affirmative action and civil rights, to include Title IX and the Americans with Disabilities Act (ADA).

COMPiles the annual Clery report for the University, trains Campus Security Authorities, and creates safety initiatives such as alerts and timely warnings.

ADVISES campus leadership and upper administration on best practices as it relates to civil rights compliance.

ENSURES all University policies and procedures are compliant with federal and state civil rights laws and regulations.

ADVOCATES for a diverse and inclusive campus environment.

COMPiles the annual affirmative action plan (AAP) for the University.

REVIEWS employment hiring practices to ensure compliance with EEO and AA benchmarks and goals.

ACTS as the University ADA Coordinator to provide reasonable accommodation to those living with disabilities and ensure compliance with ADA laws.

COLLABORATES with campus partners to ensure a commitment to a fair, equitable, and safe environment for individuals to pursue their academic and professional endeavors.
OEO STAFF

In 2017-18, the OEO worked to attract and retain staff:

- Francie Cordova, Esq. (Director)
- Heather Jaramillo, JD (Associate Director) – New Position
- Angela Catena, Ph.D. (Title IX Coordinator)
- Rob Burford, MA (Clery Act Compliance Officer)\(^1\)
- Matthew Suazo, BS and Retired APD Commander (Compliance Manager)
- Elena Rubinfeld, JD (Compliance Manager) – New Position

Additionally, OEO has four Civil Rights Investigators/Compliance Specialists:

- Ceymone Dozier, JD
- Caryn Husk, MA
- Michael Medrano, BAS and Former Police Lieutenant
- Melissa Valdez-Lopez, BA and Former Probation Officer

One Compliance Assistant:

- Rob Tafoya, M.Ed.

One Admin III

- Melissa Martinez, BA

Student Employee Office Assistant

- Sara Quintana-Matz

\(^1\) In 2018-2019, Rob Burford was hired as Director of Compliance and the Clery role transferred with his new role.
Figure 6 - OEO Organization Chart
2018 ACCOMPLISHMENTS

I. Implemented Department of Justice Agreement

The Office of Equal Opportunity (OEO) is responsible for primary compliance with the DOJ Agreement. This includes oversight and administration of the University’s civil rights investigative process, training for the campus community on all Title IX related topics including compliance, consent, bystander intervention, and reporting responsibilities. OEO also conducts annual climate surveys for students on issues regarding knowledge of reporting and consent policies and occurrence of sexual harassment and sexual violence.

OEO has continued to upgrade and standardize data to include details on location, party status (student, athlete, faculty, etc.), and whether or not drugs or alcohol, weapons or violence was involved in an incident. This data assists the University in pattern and trend analysis and guides training and programming on campus. In 2018, significantly expanded data fields include pattern and trends to better capture important case detail and dates.

For more information on the University’s progress, visit http://compliance.unm.edu and see the one and two year DOJ Compliance Report.

II. Increased Usage of Informal Resolution

OEO has increased its usage of informal resolution for complaints of discrimination and reports of hate-bias incidences. In cases where allegations are less severe or where a Complainant’s safety is not at issue, OEO has utilized informal resolution methods. Informal resolutions are non-punitive ways of discussing allegations of discrimination or hate-bias incidences and educating or dialoguing with the parties involved. Informal resolutions include education conferences, facilitated dialogues, and other training and methods. OEO monitors the environment after utilizing informal resolutions to ensure that climate has improved and the alleged behavior has stopped. OEO data indicates that informal methods have been effective in remedying the concerns in more than 90% of cases.

OEO has successfully partnered with the Accessibility Resource Center, OMBUDS, and the Division for Diversity, Equity and Inclusion in facilitated dialogues with parties. This partnership has proven to be very successful in optimizing informal resolutions.

III. Update and Translation of Civil Rights Policies

In 2018, OEO updated University Administrative Policy 2720 (Discrimination), 2740 (Sexual Misconduct), and 3110 (ADA Accommodation) to reflect best practices and updated civil rights law. OEO also translated policies 2720 and 2740 into Spanish, making the policies available to Spanish language speakers.
IV. **Staff Development**

OEO is committed to obtaining and maintaining competency and fluency in civil rights laws. OEO has sought out and hired individuals with education and experience in law, education, law enforcement and civil rights investigation. Specifically, the OEO staff attended numerous trainings and conferences in 2018 that focused on civil rights, customer service, hate-bias reporting, Clery reporting, sexual assault, investigation techniques, advocacy, and active listening skills in order to further develop civil rights skill.

In 2018, OEO staff attended the following conferences and trainings:

- Trauma Informed Interviews and Neurobiology of Trauma – National Expert David Lisak
- Bystander Intervention – national expert Alan Berkowitz
- National Association of Colleges and Universities – The Department of Education’s Notice of Proposed Rule Making on Title IX
- Title IX Investigator Training (certification program)
- Active Shooter Training
- New Investigator Training
- Micro-Aggression Training
- Job Accommodation Network (JAN) Monthly Webcast Series (January-December 2018)
- Safe Zone (LGBTQ)
- Intersections: Preventing Harassment and Sexual Violence
- Hate Crimes on Campus: How to Educate, React & Respond to Safeguard Justice
- Current Developments in Employment Law 2018
- Educause National Data and Compliance Conference
- ADA Certification Program
- Society of Corporate Compliance and Ethics – Audit and Compliance Conference
- New England ADA Center – ADA Basics
- Higher Education and Employment Law Update
- Withdrawal of Federal guidance on the Use of Race by Higher Education
- Crimes Against Women Conference – Dallas, Texas
- Dream Zone (Undocumented Students)
- Green Zone (Veterans)
- Supportive Listening
- Employee Lifecycle Management Workshop
- Bystander Intervention – national expert Alan Berkowitz
- National Center for Campus Public Safety Webinars
- How to Create a Fair Process for Respondents – John DiPaola and Gina Smith
- Whistleblower/Anti-Retaliation
- ADA Legal Series: Disability Harassment in the Workplace
- FERPA: Avoid Mistakes & Costly Violations
- AHEAD Conference – Student disability accommodation
• Unconscious Bias Training
• EEOC Seminar
• Webinar: Credibility and Investigations – Ensuring a Fair Process in the Face of Increasing Judicial Scrutiny
V. Outreach and Training

OEO believes that a critical component to a successful civil rights program is training and outreach to the campus community. Training and outreach creates trust and collaboration with the OEO and provides information about the services and resources OEO offers. In the last year, OEO staff has made a concerted effort to provide training and outreach to the University community and the community at large. OEO provides training and outreach via individual consultation and guidance, group training and activities, online training, training for Spanish speakers, information tabling at student orientation and other gatherings, open houses, and many other other forums. OEO also collaborates with other campus departments including UNM Police Department, Dean of Students, Diversity and Inclusion, and Human Resources to provide targeted training and co-sponsored events that promote civil rights and inclusivity at UNM.

OEO has also collaborated with the City of Albuquerque Civil Rights Office, Highlands, NM Tech and Eastern NM University to share best practices and civil rights outreach models.

In 2018, OEO created several trainings specific to campus issues. These included best practices and civil rights trainings for all summer camp counselors at UNM programs, customer service and civil rights, responding to Title IX complaints, Title IX scenario based training, facilitating difficult discussions in the classroom, supervisor ADA training, training on invisible disabilities, updated Clery training, campus climate, bystander intervention, Spanish speaking sexual harassment training.

![2018 OEO Outreach](image)

*Figure 1: Outreach to UNM Community Members*
VI. OEO Allegation Processing

OEO reviews all allegations of civil rights violations that come to our office. These concerns are brought in a variety of ways by a variety of people. OEO labels these concerns as “inquiries/complaints” and reviews each and every one of them to determine jurisdiction. As you can see from the chart below (Figure 4 – Overall Inquiries), in 2018 OEO received and reviewed 729 complaints/inquiries and 428 of them were related to Title IX (Figure 3 and Table I).

<table>
<thead>
<tr>
<th>Year</th>
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</tr>
<tr>
<td>2017</td>
<td>73</td>
</tr>
<tr>
<td>2018</td>
<td>71</td>
</tr>
</tbody>
</table>

Table 1 – Training done by OEO Staff (Information not tracked prior to 2014)

After OEO reviews a complaint/inquiry and determines it is jurisdictional (meaning it is civil rights related and if true, could violate a civil rights policy at UNM), that complaint becomes an “intake.” An intake is when OEO meets with the Complainant to get more information on their allegations and reviews OEO procedures with them. Typically, the Complainant decides if they want to follow a formal process (an investigation) or an informal process (educational conference or other informal resolution). Sometimes, the allegations are so severe that the OEO decides that a formal process must occur. As you can see from the chart below, OEO investigated or informally resolved 130 cases in 2018. Additionally, Figure 4 shows all the case allegation types in 2018.

If an inquiry is not jurisdictional, OEO will refer the case to the department with appropriate authority to address the issues. For example, employee issues not related to civil rights are sent to Human Resources, and issues involving academics are sent to the Provost. Most allegations contain issues that implicate a variety of polices and areas.
Office of Equal Opportunity

Figure 2- Overall Inquiries with OEO

Figure 3- 2018 Title IX Inquiries by Category
Hate Bias

In 2017, OEO also began receiving and documenting all allegations of hate-bias incidents and hate crimes in conjunction with UNMPD. OEO will utilize this data to develop climate and civil rights training and identify “hot-spots” where hate-bias incidents more frequently occur. Figure 5 details the number of hate-bias reports that the OEO received during 2017 and 2018.
This graph depicts the OEO intake and complaint process.

Figure 6- OEO Workflow
VII. Investigative Timelines

OEO strives for a timely and prompt investigative process despite limited staffing and an ever increasing caseload.

In 2018, OEO average case closure was 139 days for all cases, and 151 days for Title IX cases. Closure time increased due to continued uptick of complaints and investigator vacancies. Filling two investigator vacancies will improve timelines. In addition, Human Resources is conducting a staff audit to ensure that OEO is appropriately staffed.

<table>
<thead>
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<th>Year</th>
<th>AVG Time to Close</th>
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<td>2018</td>
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<table>
<thead>
<tr>
<th>Year</th>
<th>Avg. Time to Close</th>
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</thead>
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<td>2015</td>
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<tr>
<td>2016</td>
<td>125</td>
</tr>
<tr>
<td>2017</td>
<td>107</td>
</tr>
<tr>
<td>2018</td>
<td>151</td>
</tr>
</tbody>
</table>

Table(s) 2 - Average Time to Close all Investigations, with Title IX Cases broken out of this

VIII. Title IX and DOJ Compliance

In order to ensure Title IX Compliance, best practices in gendered/sexual violence prevention and response, and to assist all members of our campus community who have been impacted by any form of gender discrimination, OEO works closely to establish and maintain cross campus collaborations. We work closely with UNMPD, the Dean of Students Office, LoboRESPECT Advocacy Center, Women’s Resource Center, LGBTQ Resource Center, Residence Life and Student Housing and American Campus Communities, Faculty SAFE, Human Resources, the Provost and Academic Affairs, University Communication and Marketing, Main Compliance office, and the President’s Office. In 2017, OEO created deputy Title IX Coordinators in Athletics, Human Resources, Provost’s Office, and Residence Life and Student Housing. In 2019, OEO has the goal to create deputy Title IX Coordinators at each of the branch campuses and UNM Health Sciences Center and to expand advocacy centers and services for faculty, staff and students, including the opening of an advocacy center (Women’s Resource Center) on north campus.
The Title IX Coordinator at OEO established relationships with faculty researching sexual violence and sexual harassment. The goal of several research projects is to improve prevention and response of campus sexual misconduct both at UNM and nationwide. Part of this research uses the data OEO has been gathering through its administration of campus climate surveys on sexual misconduct. UNM, through OEO and Dr. Theresa Cruz, Deputy Director of the UNM Prevention Research Center, partnered with the University of Kentucky to administer the Multi-Campus Bystander Efficacy Evaluation (McBEE). This three-year project will allow us to review our own efforts and our students’ experiences and knowledge related to sexual misconduct. We will also be able to benchmark our results with the other universities participating. McBee surveys main campus undergraduate students, aged 18-21.

In 2018, OEO received the first McBee survey results which show demonstrate that, overall, UNM students receive Bystander Intervention training at higher rates than other institutions involved in the survey. For example, 57% of students indicated receiving at least one bystander intervention training in the last academic year; 28% reported receiving multiple trainings. With respect to received bystander training since fall 2017, UNM consistently scored higher than other schools participating in the survey. Most notably, 68.6% of UNM students indicated receiving a school specific training, compared to other schools with similar size at 14.6%.

OEO administered climate surveys to undergraduates in 2016 and 2017. The climate surveys showed that our students know that UNM has a policy against sexual misconduct and generally know where to go for help. Our students also engage in bystander intervention activities regularly in order to protect their fellow students and/or to speak out against rape culture. As with the national trend, however, our students do not feel comfortable reporting sexual misconduct to the University for myriad reasons and of those who experience sexual violence, only 5% report to any University department. The surveys also showed that UNM students experience intimate partner violence and sexual harassment at higher rates than the national average.

In spring 2019, OEO will conduct a climate survey for Graduate and Professional Students, including graduate students and students in health professions and law programs.

For all results of the climate surveys, please see the following website:
IX. Clery Compliance

In 2018, the Clery Act Compliance Officer (CACO) continued his work on UNM being Clery compliant, and the following is a brief highlight of some of the things that were accomplished this past year. The CACO also wrote the 2018 Annual Safety and Security Report: https://police.unm.edu/html/2018_Annual_Safety_Report.pdf

This report includes crime statistics, a safety program, crime prevention inventory, and several important safety and reporting policies. The report continues to become further compliant with federal regulations, as it has been evaluated by the Clery Center the past three years. Additionally, the CACO provided training to numerous Campus Security Authorities (CSAs) across the University, which included training all of the point people responsible for compiling Clery statistics and data. The CACO also worked diligently to address short stay away trips, which students took through UNM affiliated programs, including athletics trips and course work taught off site.

The CACO conducted the 3rd Annual Campus Safety Week to make the UNM Campus Community more aware of campus safety prevention programs/resources. Some of the events during the week included:

- Annual Safety Walk (the walk resulted in over 150 work orders that remedied lighting issues around campus)
- Coffee with a Cop (opportunity to meet UNMPD officers)
- Brought in National Group to inform students on bystander intervention
- Safe Zone Training
- Self Defense Course

In August of 2018, the CACO was promoted to Director of Compliance, and maintains his Clery Compliance responsibilities. The CACO has been named as one of the Executive Members of the Safety Council implemented by President Stokes to address UNM safety concerns.
X. **Affirmative Action Plan**

Executive Order 11246 requires federal contractors to create a written Affirmative Action Plan (AAP) that measures whether women, minorities, veterans, and individuals with disabilities are being employed at the expected rate given their composition of the contractor’s workforce. In 2018, OEO worked with data stewards and campus partners to obtain workforce data on faculty and staff to create the AAP, run statistical analyses, and prepare the voluminous report in compliance with federal law. OEO also worked with data areas to create comparator groups that are similar in duties and pay. The AAP is published on an annual basis.

OEO has also worked with campus partners on issues of diversity, hiring best practices, AAP responsibilities, and how to address underutilization.

XI. **Americans with Disabilities Act (ADA)**

The OEO Director also serves as the UNM ADA Coordinator, responsible for accessibility and accommodation issues on campus.

In 2018, OEO spearheaded and participated in several ADA initiatives. OEO updated University Administrative Policy 3110 (Accommodations for Faculty and Staff) and participated in the creation of a Universal Design Policy (5320).

OEO spearheaded the creation of an Accessibility Coalition comprised of campus partners including student organizations, the Accessibility Resource Center, the Facilities Access Committee, and Staff Council, to identify and prioritize accessibility issues on campus.

In 2018, OEO coordinated the hiring of a vendor to review the University’s compliance with Title II, which requires all federally funded institutions to have a “transition plan” that prioritizes compliance with the ADA. The vendor, Accesssology, will begin their review in spring 2019.

In 2018, OEO assisted and facilitated 43 ADA accommodations for staff and faculty at the University.

XII. **Increase in OEO Staffing**

In 2018, OEO was allowed to use the FTE funding from the Clery Coordinator position – which moved to UNM’s Main Compliance Office – to create an Associate Director position and an additional compliance manager position. OEO also filled 2 investigator vacancies. This increased staffing will allow OEO to address complaints and provide requested guidance and training requests at main, north, and branch campuses.
OEO PROFESSIONAL INVOLVEMENT AND SERVICE TO CAMPUS

Professional Involvement:

- Clery Center Collaborative NACCOP Member
- Southwest Women’s Law Center Board UNM Staff Council Executive Committee
- Gene Franchini High School Mock Trial Program
- NM Hispanic Bar Association
- NM Women’s Bar Association
- ADA Coordinator Program
- Society of Corporate Compliance and Ethics
- National Association of Colleges and Universities
- Partners for Employment

Service to Campus:

- Mentor 2.0 Program
- National Student Exchange Coordinator
- Protect the Pack Rally
- Safety Week Committee

University Committees:

- Campus Safety Committee Campus Violence Policy Committee
- Compliance Committee Diversity and Inclusion Diversity Taskforce
- Employee Life Staff Council Sub-Committee Employment Area Leads
- Facilities Access (Chair)
- LoboRESPECT Steering Committee
- Minors on Campus Committee (Chair)
- Presidential Task Force on Reporting Sexual Misconduct and Harassment
- SMART (Co-Chair)
- Social Media Users Group
- Staff Council
- Ethics Committee
- Title IX Committee (Chair)
- Tobacco Free Campus
- Preferred Name Committee
- Whistleblower Policy Committee
- Accessibility Action Committee