

80-12 Title IX Policy

80-12-1 Purpose • 80-12-2 Scope and Jurisdiction • 80-12-3 Definitions • 80-12-4 Title IX Coordinator • 80-12-5 Notice/Complaints of Sexual Harassment and/or Retaliation • 80-12-6 Supportive Measures • 80-12-7 Emergency Removal • 80-12-8 Timeframes • 80-12-9 Confidentiality/Privacy • 80-12-10 Time Limits on Reporting • 80-12-11 Online Sexual Harassment and/or Retaliation • 80-12-12 Policy on Nondiscrimination • 80-12-13 Definition of Sexual Harassment • 80-12-14 Retaliation • 80-12-15 Mandated Reporting • 80-12-16 When a Complainant Does Not Wish to Proceed • 80-12-17 Federal Timely Warning Obligations • 80-12-18 False Allegations and Evidence • 80-12-19 Amnesty for Complainants and Witnesses • 80-12-20 Federal Statistical Reporting Obligations.

1. Purpose.

The Eastern New Mexico University System (the System) is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and sexual harassment and retaliation. To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity.

The ENMU System has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or retaliation. The System values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

The System has determined that Officials with Authority to implement corrective measures are Title IX Coordinators, Deputy Coordinators, and any position that is Dean/Director level or above.

The System has also classified most employees as Mandated Reporters of any knowledge they may have that a member of the ENMU System community is experiencing sexual harassment and/or retaliation.

2. Scope and Jurisdiction.

The purpose of this policy is the prohibition of sexual harassment and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution using ENMU's resolution processes as determined by the Title IX Coordinator, and as detailed in the Resolution Process and Procedures Manual.

ENMU reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

The most serious offenses are likely to result in suspension/expulsion/termination, where warranted.

When the Respondent is a member of the ENMU community, a formal complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the ENMU community. This community includes, but is not limited to, students, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, contractors, invitees, and others.

This policy applies to all the education programs and activities of the System to conduct any Title IX investigation that takes place on any ENMU campus, property owned, controlled or leased by the ENMU System, as well as at any ENMU-sponsored events, and buildings owned or controlled by ENMU's recognized student organizations (fraternity, sorority houses, etc.). The Respondent must be a member of ENMU's community in order for this policy to apply.

Regardless of where the conduct occurred, the System will address notice/complaints to determine whether the conduct occurred in the context of employment, educational program or activity and/or has a continuing effect on campus or an off-campus sponsored program or activity. A substantial ENMU interest includes:

- A. Any action that constitutes a criminal offense as defined by any local, state, or federal law;
- B. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- C. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others, or significantly breaches the peace, and/or causes social disorder; and/or
- D. Any situation that substantially interferes with the educational interests or mission of any of the campuses.

If the Respondent is unknown or is not a member of the ENMU community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options. If criminal conduct is alleged, the Title IX Coordinator can assist in contacting local or campus law enforcement if the individual would like to file a police report.

When the Respondent is not a member of the ENMU System community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

The System may take other actions as appropriate to protect the Complainant against third parties, such as barring, trespass or limit access for contracted individuals from ENMU property and/or events.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in communication with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to the System where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

3. Definitions.

- A. **Complainant** means an individual who is alleged to be the victim of conduct that could sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- B. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.
- C. **Retaliation** means the act of getting revenge or take a negative action against the Complainant

A complete listing of definitions for this policy appear in [appendix 1](#)

4. Title IX Coordinators.

A. Responsibilities.

The ENMU System Title IX Coordinators (listed below) have the primary responsibility for coordinating the efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent sexual harassment, and retaliation prohibited under this policy. All parties will be provided with a comprehensive electronic summary detailing options and resources, which the Title IX Coordinator may also review in person with the parties, as appropriate.

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. 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 and/or Respondents.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the applicable campus president. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to the applicable campus president. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

B. Contact information.

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

ENMU System Title IX Coordinator

Rick Sommer
ENMU-Portales, Quay Hall, Room 109
(575)562-2235
Rick.sommer@enmu.edu

ENMU-Portales Campus

Benito Gonzales
ENMU System Human Resources Director
Deputy Title IX Coordinator
Office of Human Resources
ENMU-Portales Administration Building Room #101A
(575) 562-2115
benito.gonzales@enmu.edu

ENMU-Ruidoso Campus

Christi Melton
ENMU-R HR Generalist
Deputy Title IX Coordinator
Office of Human Resources
ENMU Ruidoso Room # 248

(575)315-1205
christi.melton@enmu.edu

ENMU- Roswell Campus

Stephanie Miles
Deputy Title IX Coordinator
Human Resource Suite, 104
575-624-7498
Stephanie.miles@enmu.edu

C. Inquires to External State and Federal Agencies.

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline : (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Office for Civil Rights,
Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
Email: OCR.Denver@ed.gov

For complaints involving employees:
Equal Employment Opportunity Commission (EEOC):
EEOC Albuquerque Location
505 Marquette Avenue, NW
Suite 900 - 9th Floor
Albuquerque, NM 87102
United States
Phone: 1-800-669-4000
Fax: 505-248-5192
TTY: 1-800-669-6820

ASL Video Phone: 844-234-5122

5. Notice/Complaints of Sexual Harassment and/or Retaliation.

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

- A.** A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the System that contains the Complainant’s physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint, and requests that the System investigate the allegations.
- B.** To make a report on all three campuses (Portales, Roswell and Ruidoso) use the form posted at [Title IX Report](#)
- C.** Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no formal action is taken, though measures intended to protect the community may be enacted. The System tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant. Because reporting carries no obligation to initiate a formal response, and because the System respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the Recipient to discuss and/or provide supportive measures.
- D.** Formal Complaint means a document submitted or signed by the Complainant or signed by the title IX Coordinator alleging a policy violation by a Respondent and requesting that the System investigate the allegation(s).

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

6. Supportive Measures.

The System will offer and implement appropriate and reasonable supportive measures to the all the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered without fee or charge to

the parties to restore or preserve access to the System's education program or activity, including measures designed to protect the safety of all parties and/or the System's educational environment, and/or to deter sexual harassment and/or retaliation.

The Title IX Coordinator, in coordination with the appropriate area executive administrator and campus president, promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the coordinator will inform the Complainant, in writing, they may file a formal complaint with the System either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The System will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the ability to provide those supportive measures. The System will act to ensure as minimal an academic/occupational impact on the parties of the complaint as possible.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Criminal trespass notice
- Compliance with Clery Act timely warning notice to students, employees and campus community members
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX coordinator

Violations of no contact orders or other restrictions will be referred to appropriate student conduct or employee disciplinary processes for enforcement.

7. Emergency Removal

The System can act to remove a student Respondent entirely or partially from their education program or activities on an emergency basis when an individual's safety and risk analysis have determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (BIT) using its standard objective violence risk assessment procedures.

(See procedures manual)

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

8. Timeframes for Complaint or Notice

All allegations are acted upon promptly by the System once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the System will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the procedures manual will be delayed, the Title IX Coordinator will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

9. Confidentiality/Privacy

Every effort is made by the ENMU System to preserve the confidentiality of reports. The System will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sexual harassment or retaliation; any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

10. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the System's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the Recipient will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint. Typically, this Policy is only applied to incidents that occurred after August 14, 2020. For incidents that occurred prior to August 14, 2020, previous versions of this Policy will apply. Those versions are available from the Title IX Coordinator.

11. Online Sexual Harassment and/or Retaliation

The policies of the System are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the System's education program and activities or when they involve the use of the System's networks, technology, or equipment.

Although the System may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the System it will engage in a variety of means to address and mitigate the effects.

Members of the ENMU System community are encouraged to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the ENMU System community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the System's control (e.g., not on System networks, websites, or between System email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial educational program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the System only when such speech is made in an employee's official or work-related capacity.

12. Policy on Nondiscrimination

The System adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination within the ENMU System.

The ENMU System does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis race, religion, creed, gender/gender identity/gender expression, ethnicity, national origin, citizenship status, physical or mental disability (including perceived disability), age, marital status, sexual orientation, veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran), genetic information, domestic violence victim status, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, and/or other human/civil rights agencies.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Any member of the System community whose acts deny, deprive, or limit the educational, employment or residential and/or social access, benefits, and/or opportunities of any member of the System community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the System Policy on Nondiscrimination.

When brought to the attention of the System, any such discrimination will be promptly and fairly addressed and remedied by the System according to the grievance process.

13. Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New Mexico regard sexual harassment as an unlawful discriminatory practice.

The ENMU System has adopted the following definition of sexual harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as, conduct on the basis of sex or that is sexual in nature that satisfies any of the following:

- A. **Quid Pro Quo:** Latin meaning something for something. He\She is an employee of the System, conditions (implicitly or explicitly) the provisions of an aid, benefit or service of the System and/or an individual's participation in unwelcome sexual conduct.
- B. **Sexual Harassment** is unwelcome conduct, determined by a reasonable person to be so severe, pervasive, objectively offensive, that is effectively denies a person equal access to education programs or activities.
- C. **Sexual Assault**, defined as any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
Incest defined as non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by New Mexico law.
- D. **Statutory Rape**, defined as non-forcible sexual intercourse with a person who is under the statutory age of consent which is 17 in New Mexico.
- E. **Dating Violence**, defined as violence on the basis of sex, committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
Dating violence does not include acts covered under the definition of domestic violence.
- F. **Domestic Violence**, defined as violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant, or by a person with whom the Complainant shares a child in common, or who is or has cohabitating with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Mexico, or by any other person

against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Mexico.

- G. **Stalking**, defined as engaging in a course of conduct on the basis of sex directed at a specific person, that would cause a reasonable person to fear for the person's safety, the safety of others or suffer substantial emotional distress.
For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- H. **Consent**, individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
- I. **Incapacitation**, A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

14. Retaliation.

Any member of ENMU System community is prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or 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 and procedure

Protected activity under this policy includes reporting an incident participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The coordinator will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Filing a complaint within an alternate process could be considered retaliatory when the alternate process is used for the purpose of interfering with or circumventing any right or privilege provided afforded within this process that is not provided by the alternate process.

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 that a final determination under this policy is not sufficient to conclude that any party has made a materially false statement in bad faith.

15. Mandated Reporting and Formal Notice/Complaints.

All employees of the System (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that he/she observe or have knowledge of, even if not reported to he/she by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

When a Mandated Reporter is engaged in harassment or other violations of this Policy, he/she still have a duty to report his/her own misconduct, though the System is technically not on notice simply because a harasser is also a Mandated Reporter unless the harasser does in fact report him/herself.

A Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report his/her own experience, though are, of course, encouraged to do so.

16. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for his/her name to be shared, does not wish for an investigation to take place, and/or does not want a formal complaint to be pursued,

he/she may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

If the Complainant elects to take no action, he/she can change that decision if he/she decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by ENMU, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

17. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, ENMU must issue timely warnings for reported incidents which pose a serious or continuing threat of bodily harm or danger to members of the campus community.

ENMU will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

18. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under appropriate ENMU policies.

19. Amnesty for Complainants and Witnesses

The ENMU community encourages the reporting of misconduct and crimes by Complainants and witnesses (staff and students). Sometimes, Complainants or witnesses are hesitant to report to ENMU 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.

ENMU maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

The System may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

20. Federal Statistical Reporting Obligations

Campus officials deemed Campus Security Authorities include:

Student affairs/student conduct staff, Campus Police and Security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities have a duty to report the following for federal statistical reporting purposes (Clery Act):

- A. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- B. Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- C. Violence Against Women Act (VAWA) -based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- D. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

Statistical, aggregated information must be shared with Campus Police and Security regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

The ENMU System is committed to comply with all state and federal laws as they are amended and updated relating to Department of Education, VAWA and Title IX.

Approved by Board of Regents, April 23, 2021

ATIXA 2020 INTERIM MODEL SEXUAL HARASSMENT POLICIES AND PROCEDURES
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED
THROUGH A LIMITED LICENSE
TO THE EASTERN NEW MEXICO UNIVERSITY SYSTEM
ALL OTHER RIGHTS RESERVED.
©2020. ATIXA