

Information and Resources for Individuals Affected by Sexual Misconduct

This project is supported by Grant No. 2018-WA-AX-0032 awarded by the Office on Violence Against Women, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



**THE UNIVERSITY OF
NEW MEXICO®**

Supporting a Survivor

This brochure is designed to provide resources and steps following sexual misconduct. When a survivor shares or discloses an instance of abuse, recognize that the process can be extremely difficult and that you should be as supportive as possible. We encourage you to listen, believe and familiarize yourself with the resources detailed here. You are not expected to be an expert, counselor or investigator. Further guidance can be found at loborespect.unm.edu

It is important to *not*:

- Question the validity of their claims. A survivor's worst fear is not being believed.
- Make excuses for the perpetrator.
- Tell the survivor what to do. You instead can offer any of the resources found in this brochure.
- Minimize the abuse. It doesn't matter who committed the abuse or what type of abuse is experienced, all survivors need support.
- Question the timing, even if it has been months or years since the abuse.

Confidentiality

Victims may be concerned about confidentiality and their own privacy. Anonymous resources exist in order to provide a safe space for individuals to explore their options, learn about resources, and discuss concerns before deciding whether or not to take steps. Should an individual consult with one of the confidential/anonymous reporting locations listed below, the site is only required to report

de-identified statistical information to the Clery Coordinator. Unless there is imminent risk of serious harm, anonymous resources cannot share information without expressed consent from the victim.

The Confidential/Anonymous

Advocacy Centers (For Students):

- LoboRESPECT Advocacy Center
- Women's Resource Center
- LGBTQ Resource Center

Students may also report incidents to Student Health and Counseling (SHAC), where one would need to provide their name for record keeping purposes, but the incident will not be reported to any other source outside of the office.

The Confidential/Anonymous Centers

(For Faculty and Staff):

- CARS
- Ombuds Services

*All the above centers must report the incident for crime reporting purposes only, with the exception of SHAC and CARS. Information expressed in these reports do not contain names or other identifying features/details. They serve the purpose of providing transparency around the crimes that may have occurred on campus.

Reporting Options

WHAT IS THE OFFICE OF EQUAL OPPORTUNITY/TITLE IX?

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). Prohibited conduct under Title IX includes, but is not limited to, sexual assault, stalking, and domestic violence. Please visit oeo.unm.edu.

OBTAINING SUPPORT

Confidential advocates and resources are available to help individuals affected by an incident of sexual misconduct within or outside of the University of New Mexico community. For more information on the role of an advocate, please visit Smart.unm.edu

REPORTING SEXUAL MISCONDUCT TO THE UNIVERSITY ANONYMOUSLY

If an employee who is not a confidential advocate is informed of sexual misconduct, they are required to report the complaint and all information they received, including names to the Title IX Coordinator. Reporting this to OEO does not automatically initiate an investigation.

Individuals experiencing harm have choices when it comes to informing the University of New Mexico about sexual misconduct. Individuals can submit anonymously or with identifying information through the University's compliance hotline 1-888-899-6092 or file a report using the web-reporting tool, unm.ethicspoint.com. Information in the Sexual Misconduct Report Form is used to

gather statistical data that the University is required to track and report. This report may not automatically trigger a formal complaint or investigation.

CAMPUS/ADMINISTRATIVE INVESTIGATION

To initiate an OEO investigation, a formal complaint must be signed by the victim*. Upon receipt of a formal complaint, the accused individual will be notified of the allegations OEO has accepted jurisdiction to investigate. Additional information can be found in the Office of Equal Opportunity website or by speaking with the Title IX Coordinator. Both the complainant and the respondent will be informed in writing of the outcome. Advisors/Advocates are available to support students through the process of Title IX investigation.

In rare circumstances, the Title IX Coordinator may exercise their authority and file a formal complaint to initiate an investigation.

RIGHTS OF THE PARTIES

During OEO's Discrimination Grievance Procedure following a report of sexual harassment, and prior to a final determination being made through an impartial hearing, the Complainant and Respondent have equal rights to be treated with respect, dignity, and sensitivity throughout the process; access to information on how the University will protect their confidentiality; and to present evidence or other information they feel relevant to the matter.

Following OEO's investigation, the hearing determination, and the imposition of sanction if applicable, the Complainant and Respondent have equal rights to seek a discretionary review through an established appellate process.

Please see the *OEO Discrimination Grievance Procedure* for an overview of the appeal process.

POLICE OPTIONS

Reporting to the police is not a requirement and individuals may decline to notify them. One may choose to report to campus law enforcement if the incident occurred on campus or local police if the incident off campus. Individuals can choose to pursue their complaint through the criminal justice system as well as seeking administrative support and/or conduct action. It is important to note that reporting to university administration/ Title IX will not automatically launch a police report/investigation. Advocates can assist with arranging an initial police contact.

Should an individual need assistance in contacting the police, any of the advocacy centers will assist a student in doing so or Ombuds can assist faculty or staff in doing so.

DOES THE NAME OF THE ALLEGED OFFENDER HAVE TO BE PROVIDED?

Individuals can choose whether to identify the alleged offender or not. In order for the University to pursue formal disciplinary action against that individual, the name must be revealed. If the individual chooses to not file a formal complaint, they do not need to name the individual.

HOW LONG DO I HAVE TO FILE A REPORT REGARDING AN INCIDENT OF SEXUAL MISCONDUCT?

The University encourages individuals to immediately report incidents of sexual misconduct, but recognizes that individuals

may be reluctant at first. Although there is no specific time limit, we recommend reporting as soon as possible. Anonymous reporting locations are available to discuss your options without making a formal report.

AMNESTY FROM DISCIPLINARY ACTION:

UNM grants amnesty to students who may have violated the Student Code of Conduct's prohibition on the use or possession of alcohol or drugs at the same time they experienced sexual violence or misconduct. Therefore, no drug or alcohol-related charges under the Student Code of Conduct are applied to students who report that they were using drugs or alcohol at the time they experienced sexual violence or misconduct. Additional information on the amnesty policy can be found in UNM Policy 2740.

For more information on disciplinary procedures and action, please review the following sites:

Students: pathfinder.unm.edu/code-of-conduct.html

Staff: <https://policy.unm.edu/university-policies/3000/3215.html>

Faculty handbook.unm.edu

Supportive Measures

The University of New Mexico supports individuals affected by sexual misconduct. UNM may implement Supportive Measures designed to preserve the individual's educational and/or work experience. Supportive measures are non-punitive individualized services that are reasonably available, including, but not limited to, a referral to counseling, housing changes, academic adjustments, etc.

EXAMPLES OF MOST COMMONLY REQUESTED SUPPORT AT UNM

- Providing access and assistance in obtaining counseling services and necessary medical services including assistance in arranging an initial appointment, on/or off campus.
- Assistance in contacting community resources, such as The Rape Crisis Center of Central New Mexico, Albuquerque Sexual Assault Nurse Examiners (SANE) or other support services.
- Assistance in contacting legal resources such as New Mexico Legal Aid, or other legal resources.
- Guidance and support with filing a report through the University's Office of Equal Opportunity and/or through the criminal justice process.
- Assisting with Academic Accommodations. Advocates can support students by contacting faculty on their behalf, help coordinate support around coursework, assist with the Student Financial Aid/Scholarship Office to provide documentation on behalf of the student to facilitate any appeals process in the event financial aid or scholarships are at risk, seek availability of alternative course completion option, including, but not limited to the opportunity to change class schedules by transferring course sections or withdrawing without penalty.
- Assistance with Housing Support and Accommodations such as completing temporary or permanent changes to a room assignment, or other housing needs.
- No Contact Directives (NCD) For Students - the Dean of Students Office can impose a "no contact" directive for students, which typically directs two or more individuals

not to have contact either with each other, in-person or through electronic communication. Advocates can also assist with filing orders of protection.

- No Contact Directives for Faculty and Staff – this can be done by contacting the Office of Equal Opportunity.

Requesting Supportive Measures

CONFIDENTIALLY

Confidential advocates that the LoboRESPECT Advocacy Center, Women's Resource Center, LGBTQ Resource Center, and Vassar House, work with individuals on a case-by-case basis to ensure access to education and safety on campus are not compromised. They explore all the rights and options without being required to report information to the UNM Title IX Coordinator.

OEO

A survivor does not need to pursue an OEO investigation to access Supportive Measures. Contact OEO and schedule a time to discuss supportive measures.

Steps to Consider

EVIDENCE PRESERVATION AND TIMELY MEDICAL ATTENTION

Regardless of whether an incident of sexual misconduct is reported to the police or the University, it is strongly encouraged that individuals who have experienced sexual misconduct preserve evidence, as this can

support legal options for them in the future. Below are suggestions for preserving evidence related to an incident of sexual misconduct. It is important to keep in mind that each suggestion may not apply in every incident:

PRESERVING PHYSICAL EVIDENCE OF AN ASSAULT

Even if an individual is unsure whether they want to report an assault or pursue filing a complaint, it is important to preserve the evidence. Evidence is best collected as soon as possible, within at least the first 72 hours of the incident. To ensure evidence is preserved, we recommend that one does not shower following the incident. In addition, evidence can also be gathered through text messages, instant messages, and other communications all of which can be beneficial to investigators.

Seeking Medical Attention

It is important to seek medical attention as soon as possible. Albuquerque SANE has trained professionals who can collect necessary physical and forensic evidence. Even if you do not opt for forensic evidence collection, health care professionals can treat injuries and take the necessary steps to address concerns of pregnancy and/or sexually transmitted infections. You can also seek medical care on campus at Student Health and Counseling or outside of the University. It is important to note that only SANE can collect forensic evidence.

For immediate assistance or if you are in danger call: 911 or reach campus Police at 505 277.2241.

Resource Guide

ADVOCACY

LoboRESPECT Advocacy Center (For Students)

505.277.2911 | loborespect.unm.edu | Advocates are available to provide support and discuss options and provide interim measures.

LGBTQ Resource Center

(For All UNM Community Members)

505.277.5428 | lgbtqrc.unm.edu | Advocates are available to provide support and discuss options.

Women's Resource Center

(For All UNM Community Members)

505.277.3716 | women.unm.edu | Advocates are available to provide support and discuss options.

Vassar House Advocacy Center (For Students)

505.277.3712 | Advocates are available to provide support and discuss options for HSC students.

Learning Environment Office (For Medical School)

505.272.7867 | Fostering a mutually respectful climate.

Rape Crisis Center of Central New Mexico

(For All UNM Community Members)

505.266.7711 | rapecrisiscnm.org | Advocates are available 24-hours to provide support and discuss options.

Family Advocacy Center

(For All UNM Community Members)

505.243.2333 | cabq.gov/albuquerque-family-advocacy-center | Multi-agency site including advocacy, medical treatment, legal aid and law enforcement for all.

Casa Fortaleza (For All UNM Community Members)

505.910.4031 | casafortaleza.org | Sexual assault and domestic violence services for Spanish speaking communities.

Domestic Violence Resource Center (For All UNM

Community Members) 505.248.3165 |

dvrcnm.org | Domestic violence services for Latino immigrant community.

Enlace Comunitario (For All UNM Community

Members) 505.246.8972 (24 hrs.) | enlacenm.org

| Advocates are available to provide safety planning, support with orders of protection, resources and services available.

COUNSELING

Manzanita Counseling Center

(For All UNM Community Members)

505.277.7311 | coehs.unm.edu | FREE Short-term training counseling for all.

Student Health and Counseling (SHAC)

505.277.3136 (24-hr number) | shac.unm.edu |

Low cost for eligible students counseling, crisis intervention and medical services.

WRC Counseling Program (For Students)

505.277.3716 | women.unm.edu |

FREE Short-term Trauma-Informed counseling for students. Main and HSC based.

Counseling and Referral Services (CARS)

(For Faculty and Staff)

505.272.6868 | cars.unm.edu | FREE counseling services for eligible staff, faculty, and their spouses/partners and retirees.

Domestic Violence Resource Center (For All UNM Community Members) 505.248.3165 | dvrnm.org | Off Campus FREE counseling.

Rape Crisis Center of Central New Mexico

(For All UNM Community Members)

505.266.7711 | rapecrisisnm.org | FREE counseling for all, & 24-hr hotline.

MEDICAL

Albuquerque Sexual Assault Nurse Examiner

(SANE) (For All UNM Community Members)

505.884.7263 (24-hr dispatch) | Off Campus 24-hr free medical and forensic exams by trained nurses, emergency contraceptive, treatment for sexually transmitted infection, evidence collection, forensic photography and follow-up services.

Student Health & Counseling (SHAC)

(For Students) 505.277.3136 (24-hr number) | shac.unm.edu | Counseling, crisis intervention, and medical services for eligible students. Can expedite referrals to SANE.

ACADEMIC ASSISTANCE, ACCOMMODATIONS & ADVOCACY

LoboRESPECT Advocacy Center (For Students)

505.277.2911 | <https://loborespect.unm.edu/>

Accessibility Resource Center (For Students)

505.277.3506 | arc.unm.edu/ | Academic assistance and accommodations for qualified students.

ADA Coordinator (For Faculty and Staff)

505.277.5251 | Assists with accommodations for Faculty and Staff.

LEGAL/IMMIGRATION RESOURCES

Albuquerque Bar Association Lawyer Referral Services (For All UNM Community Members)

505.243.2615 | abqbar.org

New Mexico Legal Aid

505.243.7871 | newmexicolegalaid.org

Law Access New Mexico

505.998.4529

Second Judicial District Court Self-Help Center

(For All UNM Community Members)

505.841.6702 | seconddistrictcourt.nmcourts.gov

New Mexico Immigration Law Center

505.247-1023 | nmilc.org