



**OFFICE OF
COMPLIANCE, ETHICS
& EQUAL OPPORTUNITY**

**CEEEO GRIEVANCE
PROCEDURE**

SEPTEMBER 28, 2026

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CEEO GRIEVANCE PROCEDURE

The University of New Mexico (“UNM”) is committed to creating and maintaining a community that is free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, and retaliation for participation in civil rights protected activity. UNM has policies that prohibit discrimination and retaliation, specifically prohibiting all forms of sexual harassment, a form of gender discrimination that is prohibited by state and federal law.

UNM is committed to providing equal access to educational and employment opportunities for all individuals. UNM considers the following as protected statuses, pursuant to federal and state law:^{1, 2}

- | | | | |
|--------------|-----------------------|-------------------|-----------------------|
| • Age | • Gender | • Military status | • Sex |
| • Ancestry | • Gender identity | • National origin | • Sexual orientation |
| • Color | • Genetic information | • Pregnancy | • Spousal affiliation |
| • Disability | • Immigration status | • Race | • Veteran status |
| • Ethnicity | • Medical condition | • Religion | |

The Office of [Compliance, Ethics and Equal Opportunity](#) (CEEO) is the independent, impartial, and neutral campus entity designated to ensure compliance with all UNM policies that apply to civil rights, including investigations of any allegations of civil rights violations. When investigating an allegation of civil rights violations, CEEO acts as the finder of fact and will prepare a report at the conclusion of its investigation, as described herein. CEEO has no decision making or sanctioning authority. Once CEEO finalizes a report after an investigation into civil rights violations, CEEO refers the matter to the appropriate UNM office, which will ultimately determine whether a University policy has been violated or otherwise resolve the issue. CEEO reports directly to the UNM President’s Office to maintain optimal independence and impartiality.

CEEO staff treats all parties with respect and approaches each case impartially and equitably. In fulfilling its dual tasks of educating and providing public service, UNM shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. CEEO, acting under the authority of University

¹ Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, religion, sex (gender), color, or national origin. The Pregnancy Discrimination Act (PDA) is an amendment to Title VII and prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions. Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex (gender) in any educational program or activity receiving federal financial assistance. Both the Rehabilitation Act of 1973 at Sections 503 and 504 and the Americans with Disabilities Act of 1990 prohibit discrimination against qualified individuals with disabilities. The New Mexico Human Rights Act of 1969 and its amendments prohibit discrimination in employment and education on the basis of race, age, religion, national origin, sexual orientation, gender identity, spousal affiliation, ancestry, sex, physical or mental disability, serious medical condition, and military status. The Age Discrimination in Employment Act of 1974 (as amended in 1986) prohibits discrimination in employment against individuals age 40 and over. 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”) 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.

² For definitions of each protected status, see University Policies 2720(4) and 2740(5).

Policies [2740](#), [2745](#), [2750](#), [2760](#), [2310](#), [2215](#), [3110](#), [3210](#), [3790](#), and Board of Regents [Policy 2.3](#), may take necessary action to prevent, correct, and educate in relation to behavior that violates UNM policies or impacts the academic or work environment. Leadership in CEEO includes the Chief Compliance Officer, the Deputy Chief Officer, Director of Equal Opportunity, the Clery Coordinator, and the Title IX Coordinator.

CEEEO's grievance procedures do not restrict rights guaranteed under the First and Fourth Amendments to the U.S. Constitution nor the Due Process Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution. CEEEO shall comply with the Family Educational Rights and Privacy Act ("[FERPA](#)").

This CEEEO Discrimination Grievance Procedure ("CGP") outlines the method CEEEO uses when processing complaints alleging violations of UNM policies over which it has authority. Some of the complaints brought under this procedure may also contain allegations that qualify as violations of criminal statutes. As stated above, CEEEO only processes alleged policy violations; it does not process alleged crimes. Anyone who believes they have been the victim of a crime may report such crime to law enforcement at any time. **CEEEO does NOT independently report alleged crimes to law enforcement except in limited circumstances, such as harm to a minor.**

I. CGP DEFINITIONS

Actual Knowledge	Notice of sexual harassment or allegations received by CEEEO or the Title IX Coordinator regarding discrimination, including sexual harassment.
Advisor	A person chosen by a party or provided by UNM who acts as an advocate for the party during a UNM administrative hearing, if applicable. An Advisor acts as a party's representative during a hearing for the purpose of conducting cross-examination of witnesses and the opposing party.
Alternative Resolution	An informal process where CEEEO does not conduct an investigation, and the allegations in the complaint are therefore neither corroborated nor contested. An alternative resolution is not disciplinary in nature. In cases where a Title IX violation is alleged, two conditions must exist: 1) both parties must agree to an alternative resolution; and 2) the alleged conduct must not have been committed by a UNM employee against a student.
COA	Confirmation of Allegations. A Complainant's written statement of the allegations they are making against a Respondent or Respondents.
Complainant	The person or people who have experienced alleged violations of UNM civil rights policies.
COR	Confirmation of Response. A Respondent's written statement in response to a Complainant's COA.
Differential Treatment	Occurs when people – whether an individual or a group – are treated differently than similarly situated individuals because of their membership in a protected class.
Discrimination	Unwelcome conduct or action taken based on actual or perceived protected class which results in the denial of equal access to, unequal treatment in, benefits of, or otherwise adversely affects any term or condition of a person(s)'s employment, education, living environment, or participation in a UNM program or activity. Harassment (including hostile environment and quid pro quo) and differential treatment are forms of discrimination.
Education Program and Activity	Locations, events, or circumstances where UNM exercises substantial control over both the Respondent and the context in which harassment or discrimination occurs,

	and also includes any building owned or controlled by a student organization that is officially recognized by UNM.
Evidence	Evidence consists of, but is not limited to: eyewitness documents, records, statements, photos, video, security footage, audio recordings, social media, emails, text messages, cellular records, police reports, and any other information that would assist the investigator in finalizing a report.
Exculpatory Evidence	Evidence which tends to show that a Respondent is not responsible for an alleged policy violation.
Failure to Report	All University employees are required under University Policies 2720 and 2740 to report allegations of known or suspected violations of those policies within 24 hours or as soon as reasonably practicable. Failure to report to CEEO within a reasonable timeframe could be considered a violation of University policy.
Final Determination	The Hearing Officer's conclusion by a preponderance of the evidence deciding whether alleged conduct occurred and whether that conduct violates UNM policy.
Formal Complaint	A document filed by a Complainant or signed by the Title IX Coordinator or CEEO alleging discrimination, including sexual harassment against a Respondent pursuant to University Policy 2740 , and requesting that CEEO investigate the allegations of discrimination or harassment.
Hearing	The administrative adjudicatory process that takes place after CEEO has concluded its investigation of an alleged civil rights policy violation.
Hearing Coordinator	The individual responsible for coordinating a hearing among the parties, including Advisors, witnesses, and other hearing participants.
Hearing Officer	The individual responsible for evaluating the evidence presented by the parties at a hearing and issuing a subsequent determination as to whether a policy violation occurred.
Hostile Environment	Conduct sufficiently serious (severe or pervasive), objectively offensive, and subjectively offensive so as to deny or limit a person's ability to participate in or benefit from UNM's programs, services, opportunities, or activities, or conduct that has the purpose or effect of unreasonably interfering with a person's employment or education.
Inculpatory Evidence	Evidence which tends to show that a Respondent is responsible for an alleged policy violation.
Investigative Report	The report consisting of all the information gathered in a formal investigation, which includes: Complainant's statement(s), Respondent's statement(s), witness statements, and documentary evidence. Investigative Reports include the Initial Investigative Report and the Final Investigative Report.
Jurisdiction	Occurs when the circumstances of a complaint are such that CEEO is authorized by UNM Policy to investigate or remedy those circumstances or allegations.
Post-Closure Action	Informal action that may be taken after the closure of an investigation that does not proceed to a live hearing which is designed to stop alleged conduct and prevent its recurrence.
Preponderance of the Evidence	The relevant evidence gathered during an administrative investigation that demonstrates it is more likely than not that a policy violation occurred.
Protected Class or Status	A trait, characteristic, status, association, or belief recognized by law or policy as protected against unlawful discrimination. For specific definitions of each protected class, please see Policy 2720 at Section 4 and Policy 2740 at Section 5.1 .

Remedies	Remedies are measures provided to a Complainant when a Respondent is found to have violated UNM Policy 2740 for Title IX Prohibited Conduct. Remedies are designed to maintain a Complainant's equal access to education and may include the same individualized services described as supportive measures herein. Remedies need not avoid burdening the Respondent.
Respondent	The person or people responding to a complaint filed with CEEO or alleged to be responsible for the conduct reported to CEEO.
Retaliation	Any action taken in order to seek an adverse academic or employment result against any individual or group of individuals opposing discrimination, filing a complaint, reporting alleged discrimination, participating in a civil rights investigation, or filing an external civil rights complaint, whether or not such complaint was reported to CEEO.
Support Person	A support person is any person of a Complainant or Respondent's choosing who attends CEEO interviews and helps to guide the party through the CEEO process. A support person may accompany a Complainant or Respondent during CEEO meetings and interviews to provide personal support, guidance, or advice. A support person cannot speak or otherwise participate in a CEEO interview, but they can take notes during meetings and help a Complainant or Respondent understand the process, prepare questions, and stay organized. To preserve the fairness and integrity of the complaint resolution process, individuals who may serve as Witnesses, or who are within the supervisory or evaluative chain of a Complainant or Respondent, are strongly discouraged from serving as a Support Person in the same matter.
Supportive Measures	Non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UNM's educational environment, or deter harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. UNM will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair UNM's ability to provide the supportive measures. The Title IX Coordinator and/or Director of Equal Opportunity is responsible for coordinating the effective implementation of supportive measures, as appropriate.
Third-Party Report	A report filed by someone other than the party affected by civil rights violations, including an employee required to report, a witness, or other individuals with knowledge or information regarding potential civil rights violations.
Title IX	Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex or gender in any educational program or activity receiving federal financial assistance. Title IX violations include: sex/gender discrimination, sexual harassment, stalking, dating violence, domestic violence, and intimate partner violence, or any other form of sexual violence. See UAP 2740: Sex Discrimination Including Sexual Harassment and Other Prohibited Conduct .

Unaffiliated	When a party is referred to as “unaffiliated,” it means that they do not have a direct relationship to UNM as a student, faculty, staff member, or contractor.
Union Representative	A union representative is a person from a party’s employment/labor union who may attend CEEO interviews and help guide the party through the CEEO process. A union representative cannot participate in CEEO interviews; rather, they act as an observer for the party.
Witness	Any person who may have knowledge of the evidence in an investigation or complaint. A Witness is not a party to the complaint resolution process.

II. NOTIFICATION AND CORRESPONDENCE WITH CEEO

CEEEO generally sends official notifications and other documentation to individuals’ official UNM email addresses; if an individual does not have a UNM email address, it is sent to an email address the individual provides. Individuals may request that CEEEO use an alternative email address or a different method of contact, but unless and until this request is made, CEEEO will send all correspondence using this method. Requests that CEEEO send communications to an email address other than a UNM email address must be made in writing via email to ceeo@unm.edu.

If an individual prefers to receive correspondence by mail, that preference and the individual’s preferred mailing address must be specified in writing and delivered either by email to ceeo@unm.edu, by mail to CEEEO’s mailing address at 1 University of New Mexico, MSC05 3150, Albuquerque, NM 87131-0001, or by hand delivery to CEEEO during CEEEO’s regular business hours at 609 Buena Vista Dr. NE, Albuquerque, NM 87106.

All CEEEO correspondence sent to an individual by email is deemed received on the date the email is sent. All correspondence sent from CEEEO to an individual by mail is deemed received by the recipient **three (3) business days** after the postage date.

III. RETALIATION

It is the policy of UNM to foster an environment where faculty, staff, and students may raise civil rights claims without fear of retaliation or reprisal. All members of the UNM community have a right to redress for perceived violations of their civil rights. It is contrary to UNM policies to retaliate against any person for asserting their civil rights or for reporting civil rights related misconduct, including sexual misconduct. These rights include but are not limited to: notifying UNM (faculty, staff) of civil rights concerns; filing a claim of discrimination; participating as a witness in an investigation; declining to participate in an investigation; or responding to allegations of civil rights violations. Retaliation or reprisal against any participant in an investigation will not be tolerated by UNM. Retaliation against a person who seeks assistance from CEEEO is grounds for a subsequent civil rights claim.

IV. TIME FRAME

Individuals who believe their civil rights have been violated at UNM or in a UNM program should file a complaint within **180 calendar days** from the most recent alleged discriminatory incident. This time frame may be extended due to the severity and/or pervasiveness of the allegations (such as sexual violence), allegations of a continuing pattern of conduct, or as otherwise determined by CEEEO.

V. REPORTING CONCERNS; TYPES OF COMPLAINTS

Any person may report discrimination, including those below, to contact CEEO if they observe, experience, become aware of, or encounter conduct they believe may be related to civil rights violations:

- UNM Students
- UNM Staff
- UNM Applicants
- Former UNM Employees or Students
- Contractors and Program Partners
- UNM Student Employees
- UNM Faculty
- Visitors to UNM
- Parents and Guardians of Applicants or Students

Reports of potential civil rights violations can be made through any of the following means:

- Complete and submit an online CEEO complaint form;
- Email (ceeo@unm.edu), fax (505-277-1356), or mail a written document describing the concerns;
- Complete the online [UNM EthicsPoint Hotline Complaint Form](#);
- Make an appointment with a CEEO employee;
- In-person visit to CEEO's office during regular business hours; or
- Call 505-277-5251.

If an individual has a complaint about the application of this CGP, or would otherwise like to pursue civil rights claims outside of UNM, complaints may be made to the external agencies identified in [Policy 2720 at Section 15](#) and [Policy 2740 at Section 12.7](#).

There are different types of complaints that may be made to CEEO under this CGP, as outlined below.

A. Informal Complaint from Complainant

A Complainant may file an [informal complaint](#) of discrimination or harassment to seek supportive measures and as a means of obtaining information regarding their rights and the CEEO formal grievance procedure, as described in [Section VII](#). Once informed, the Complainant may decide to initiate the formal grievance process. An informal complaint by itself, however, will not activate the formal grievance process. A report from a third-party reporter is considered an informal complaint.

The informal complaint should include:

1. The Complainant's name and preferred contact information, as well as their affiliation with UNM (i.e., student, staff, faculty, applicant, or visitor to UNM);
2. The Respondent's name and contact information, and the Respondent's affiliation with UNM;
3. The Complainant's protected status under which the alleged discrimination or harassment has occurred;
4. The civil rights category to which the Complainant believes the allegations belongs (i.e., sexual harassment or misconduct, discrimination, harassment, failure to accommodate, retaliation, etc.); and
5. A description of the alleged discriminatory conduct and the Complainant's protected status (as listed on page 1).

Upon receipt of the informal complaint, the following will occur:

1. CEEO will reach out to the Complainant with resources to address their concerns. These resources are specific to the Complainant's role at UNM (student, staff, or faculty) and outline access to groups on and off campus to assist the Complainant with the impacts of the alleged discrimination;
2. CEEO will offer the Complainant the opportunity to request supportive measures;
3. CEEO will advise the Complainant of their right to file a formal complaint and information regarding the formal grievance procedure.

Complainants may provide the required information verbally or in writing. CEEO may contact persons who submit complaints in order to discuss the details of the concerns and obtain additional factual information.

B. Formal Complaint from Complainant

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment that triggers the formal grievance procedure set forth in [Section VII](#). See [Section VII\(A\)](#) for more information regarding formal complaints.

The formal complaint shall:

1. Be filed utilizing the CEEO [formal complaint form](#) (if the complaint is received verbally or via a third-party report, the Complainant electing a formal complaint process shall utilize the CEEO form);
2. Be signed and dated by the Complainant;
3. Include Respondent's name and contact information (if known), and whether the Respondent is a student, staff, faculty, or UNM visitor;
4. Include Complainant's protected status, which they claim as the basis for the alleged discrimination or harassment;
5. Include the civil rights category to which the Complainant believes the allegations belong (i.e., sexual harassment, violence, or misconduct, discrimination, harassment, failure to accommodate, retaliation, etc.);
6. Include a description of the alleged discriminatory conduct and the Complainant's protected status (as defined on page 1 herein);
7. Identify the UNM program, activity, or location where the alleged conduct occurred; and
8. Indicate whether the alleged conduct occurred in the United States.

A Complainant who files a formal complaint with CEEO will have the opportunity to seek supportive measures.

C. Third-Party Reports and Reports from Employees Required to Report; Failure to Report

CEEEO receives reports from third-party reporters, employees who are required to report under Policies [2720](#), [2740](#), and [2745](#), or others who have information regarding potential civil rights violations. In these cases, the third-party report may lack the detail present in a Complainant's direct report. In such cases, CEEEO may reach out to the individual(s) the third-party reporter identifies as having experienced the civil rights violation or other witnesses for more information. CEEEO will evaluate and accept third-party reports to determine if the report is sufficiently detailed to accept jurisdiction and constitute actual knowledge of a complaint. In all cases where reports are received from third parties, CEEEO will reach out to the alleged Complainant to discuss the report, provide the Complainant with resources, determine the alleged Complainant's need for supportive measures, and how they wish to proceed.

1. Failure to Report (FTR)

When CEEO receives information that a UNM employee with reporting responsibilities, pursuant to University Policies [2720](#), [2740](#), and [2745](#), has failed to report allegations of known or suspected policy violations in a timely fashion, CEEO will initiate the process described in this section.

Depending upon the nature of the FTR, CEEO may issue a memorandum or proceed with additional fact-finding processes. If an FTR is a singular occurrence, an FTR memorandum will be sent to the Respondent (the person who failed to report to CEEO under UNM Policies) and their supervisor. This memorandum serves as a reminder of the employee's duties as outlined in University Policies [2720](#), [2740](#), and [2745](#), and is not disciplinary or punitive. No CEEO investigation is conducted and no hearing is held.

In cases where there are multiple FTR instances or when an FTR could result in significant harm to an individual or the campus community, CEEO will notify the Respondent (the person who failed to report to CEEO under UNM Policies) in writing of the information that CEEO has related to the FTR, and will provide Respondent **five (5) business days** to respond to the FTR allegations, by providing either a verbal or written statement. See [Section VI\(C\)\(3\)\(d\)](#).

CEEEO will review all relevant documents and interview any witnesses, if available and necessary, to determine if Respondent failed to report in relation to their duties, position, and responsibility under UNM policy. This information will be gathered into a Initial Investigative Report and provided to Respondent for review. Respondent will have **five (5) business days** from the date of the Initial Investigative Report to provide additional, factual, relevant information. CEEEO will then prepare a memorandum stating whether the information gathered demonstrates a violation of policy (POLICY VIOLATION or NO POLICY VIOLATION) and will provide the memorandum to Respondent. **There is no live hearing associated with an FTR investigation**; the determination of a policy violation is made by the CEEEO investigator. Respondent will have the same opportunity to appeal per the process outlined in [Section XI](#) herein. After the appeal window closes, CEEEO will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

Individuals who allege an employee has failed to report alleged violations of [2720](#), [2740](#), or [2745](#) are not made aware of any actions or outcomes related to an FTR allegation, as it is considered a personnel action and not civil rights misconduct.

D. Anonymous Reports

Individuals who report to CEEEO may choose to do so through anonymous means, such as through UNM's compliance hotline. CEEEO's ability to conduct a full investigation into the alleged discrimination may be limited in this circumstance. Similarly, an individual who reports discrimination anonymously may have only limited protection from retaliation. Complete anonymity can never be guaranteed, as the specific allegations in a complaint may make the anonymous reporter identifiable. See [Section XII](#).

E. Report Filed by the Title IX Coordinator or CEEEO

Based on information CEEEO and/or the Title IX Coordinator receives, the Title IX Coordinator or CEEEO may exercise their authority to initiate a formal complaint and investigation on behalf of UNM, regardless of the cooperation or involvement of a Complainant or affected party.

F. False Reports

In the event CEEEO receives clear and credible information demonstrating that a Complainant or other filing party has submitted a false report, CEEEO will investigate as outlined herein against the party alleged to have filed a false report. A person who is determined to have filed a false report is subject to the sanctions and discipline outlined in [Section IX](#).

VI. JURISDICTION

CEEEO reviews discrimination complaints to determine whether it is authorized to address them. CEEEO's jurisdictional scope is outlined in [UNM Policy 2720\(5\)](#) and [UNM Policy 2740\(7\)](#), and generally applies to alleged misconduct that occurs on UNM property or within UNM education activities, programs, sponsored events, or functions. In some cases, however, CEEEO may assert jurisdiction when the complaints are alleged to impact the campus environment or an employee's or student's work or academic environment.

CEEEO will not take action on a complaint filed with CEEEO unless it has jurisdiction over one of the parties involved and the subject matter as described in greater detail below:

1. The parties involved. CEEEO investigates policy violations. Therefore, the policy alleged to have been violated must apply to at least one of the people involved in the report.
2. The subject matter of the allegations underlying the complaint. CEEEO has jurisdiction to investigate alleged policy violations regarding civil rights. For CEEEO to have jurisdiction to investigate a complaint, the allegations must state facts that, taken in the light most favorable to the Complainant, qualify as an alleged violation of one or more of UNM's civil rights-related policies. If the allegations in the complaint do not allege sufficient facts demonstrating that one of UNM's civil rights policies have been violated, then CEEEO may not be able to accept jurisdiction and/or may dismiss the matter as outlined in [Section VII\(C\)\(3\)\(b\)](#). As noted above, CEEEO may take informal action related to allegations that do not, as alleged, violate UNM policy; therefore, UNM and CEEEO encourage anyone who has any concerns related to civil rights at UNM to bring their concerns to CEEEO.

To make a jurisdictional determination, CEEEO may also consider:

1. Previous and contemporaneous reports or violations against Respondent;
2. Pattern of behavior;
3. Severity of the allegations;
4. Use of weapons, drugs, or coercion;
5. Physical threats or violence;
6. The power dynamic between the parties involved;
7. Where the incident(s) took place;
8. The impact on the parties;
9. Whether multiple parties were impacted.

VII. FORMAL GRIEVANCE PROCEDURE

A. Formal Complaint

A Complainant may file a [formal complaint](#) of discrimination and/or sexual harassment to initiate the formal grievance procedure outlined in this section.

The Complainant shall file a formal complaint by either signing and dating the CEEO [formal complaint form](#) or by signing a Confirmation of Allegations after providing a verbal statement of their complaint to an investigator.

A formal complaint may also be filed and signed by the Title IX Coordinator or CEEO where:

- The allegations are such that the University has an obligation under policy and/or law to investigate and/or address the allegations, regardless of the Complainant's participation;
- The allegations indicate potential patterns of conduct that are severe or pose ongoing harm to individuals or the campus community;
- A third-party report indicates alleged conduct that is severe or poses ongoing harm to individuals of the campus community.

CEEEO makes every effort to take the Complainant's wishes into account, but cannot guarantee, it will take no action where the allegations are severe or pose ongoing harm to individuals or the work or learning environment.

Neither the Title IX Coordinator nor CEEEO becomes a party to the case (i.e., Complainant) by signing a formal complaint.

B. Notice

Upon receipt of a formal complaint of discrimination as described in [Section VII\(A\)](#), CEEEO will notify the parties of the following:

1. A formal complaint has been received;
2. The ability to informally resolve the complaint. The parties must agree to an alternative resolution in cases alleging violations of Title IX Sexual Harassment. Alternative Resolutions are unavailable in cases where a UNM employee is alleged to have sexually harassed a student;
3. A notice of the allegations, including the identities of relevant participants if known;
4. The specific policy or policies that Respondent is alleged to have violated;
5. The date and location of the incident(s), if known;
6. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
7. Inform the parties that they may have an Advisor of their choice during any subsequent hearing, including an attorney at their own expense, if they choose;
8. Advise the parties of UNM policies prohibiting false statements. See [UNM Student Code of Conduct](#), Section 2.3; [University Policy 2720\(13\)](#); [University Policy 2740\(18\)](#).
9. Inform the parties about retaliation as described in University Policies [2720\(6.1\)](#) and [2740\(8\)](#);
10. Provide notice of any additional allegations that arise after the initial notice to the parties; and
11. State the purpose of all investigative interviews with a party, with enough time for the party to prepare for the interview.

C. Process Options

After a Complainant files a formal complaint as outlined in [Section V\(B\)](#) and the parties are provided with notice, the following process options are available:

1. Withdraw the Complaint

A Complainant may elect to withdraw their complaint at any time after bringing concerns to CEEO. If Complainant chooses to withdraw the complaint, Complainant will be required to sign a form verifying this decision; a written request by the Complainant will meet this requirement. A Complainant is still allowed to seek supportive measures as described in the [Definitions section](#) of this CGP.

Even if a Complainant withdraws their complaint, CEEO reserves the right to continue its inquiry into the concerns in order to ensure compliance with UNM policy and related state and federal regulations. Within **five (5) business days** of either receiving Complainant's notice of withdrawal or CEEO's final attempt at communication with Complainant, CEEO will notify Complainant if any further action will be taken regarding their complaint. CEEO may act to ensure a working and learning environment free from harassment and discrimination.

If, after a withdrawal by Complainant, CEEO determines it will not proceed with the formal process and investigation, it will dismiss the complaint and notify the parties of the dismissal and justification. See [Section VII\(C\)\(3\)\(b\)](#).

2. Alternative Resolution

An alternative resolution is a path designed to eliminate the alleged discriminatory or harassing conduct, prevent its recurrence, and remedy its effects in a manner that ensures compliance, along with the safety and welfare of the campus community. The purpose of an alternative resolution is to inform Respondents that allegations have been made against them and to make them aware of UNM policies and behavioral expectations. This is an informal process where an investigation is not conducted and the allegations in the complaint are therefore neither corroborated nor contested. An alternative resolution is NOT disciplinary in nature. **An alternative resolution will not be offered to facilitate a resolution where a staff or faculty member is alleged to have sexually harassed a student.**

A Complainant may elect to proceed with an alternative resolution after filing a formal complaint in all cases. For cases involving alleged Title IX violations, the parties must **both** agree, in writing, to an alternative resolution. If the parties do not agree, CEEO will afford the Complainant an opportunity to either withdraw the complaint or proceed to a formal investigation as outlined in [Section VII\(C\)\(3\)](#). As outlined in [Section VII\(C\)\(1\)](#), however, CEEO reserves the right to investigate or not to ensure compliance with UNM policy and related state and federal regulations.

An alternative resolution does not follow a pre-determined process. Rather, CEEO consults with the parties and then proceeds with a solution that prevents recurrence of the alleged conduct. Examples of alternative resolutions include, but are not limited to:

- Meet with Respondent to discuss the allegations and UNM policies;
- Meet with Respondent and Respondent's supervisor separately if the allegations regard a work environment;
- Meet with Respondent and supervisor or other authority figure together;
- Refer the alleged behavior to the Respondent's supervisor or other authority figure to set expectations with respect to conduct and alignment with University policies;
- Provide training or engage in other collaborative processes as deemed appropriate by CEEO;
- Initiate the ADA reasonable accommodation process in cases where a failure to accommodate has been alleged;
- Provide information and discuss reasonable accommodations for pregnancy/lactation;

- Dialogue about the issues to improve the environment or remedy the effects of the alleged conduct; or
- Refer the parties back to a supervisor or other appropriate party for remedial action and monitoring of the work and/or academic environment. The supervisor will notify CEEO of the actions taken to address the work and/or academic environment.

After an alternative resolution occurs, CEEO sends follow-up correspondence to Respondent and/or to Respondent's supervisor or other authority figure (if applicable), documenting CEEO's actions. CEEO notifies Complainant of the action taken and, when appropriate, follows up with the parties regarding Complainant's initial concerns for **sixty (60) days**, to ensure the conduct at issue has stopped. At the conclusion of the sixty (60) day period, CEEO will close the case. CEEO may modify monitoring periods on a case-by-case basis.

Alternative resolutions may not be appropriate for all forms of conduct prohibited by UNM policies. **Alternative resolutions may not be an available procedural option when CEEO determines that an informal process is not appropriate based on the severity or pervasiveness of allegations.** In those instances, CEEO may proceed with a formal investigation, which can lead to an evidentiary hearing before a Hearing Officer. See [Section VII\(C\)\(3\)\(i\)](#).

3. Formal Investigation

The investigation is a neutral process during which CEEO gathers evidence directly related to the allegations in the formal complaint from the parties, any witnesses they identify, any witnesses CEEO identifies, and from any other source. The parties are encouraged to provide any and all evidence and witnesses they deem relevant to their case and should consider submitting evidence that is described in the Definitions section of this document. As described in greater detail in the subsections below, each party will have the following opportunities during a full CEEO investigation:

- Be interviewed by the investigator;
- Review their own statements prior to the statement being included in an Investigative Report and distributed to the other party.
- Provide evidence to the investigator;
- Suggest witnesses to be interviewed by the investigator; and
- Propose questions to be asked of witnesses and parties.

If additional allegations are identified during the investigation, the investigator shall provide additional notice to the Respondent pursuant to [Section VII\(B\)](#) above. The Respondent will have the opportunity to provide additional information in response to any new allegations.

a. *Initial Assessment*

Following receipt of a formal complaint, CEEO will engage in an initial assessment, which is meant to determine sufficiency of the complaint. During the initial assessment, a CEEO staff member will meet with the Complainant, if available, to outline the CEEO formal grievance process and gather relevant information to make a jurisdiction determination. If, during the initial assessment, the available evidence shows that the matter is not within CEEO's scope, the formal complaint will be dismissed. The parties who have been notified of the allegations will receive a dismissal letter outlining the justification and appeal information. A dismissal can happen at any point in the investigative process. If the matter falls within the scope of CEEO, notice will be sent to both parties as described in [Section VII\(B\)](#) and the complaint will proceed with the grievance process outlined herein.

b. *Dismissal Letter*

If at any point in the investigative process the evidence gathered indicates that no discriminatory or harassing behavior took place, the conduct described is not civil rights related, or does not fall within the jurisdiction of CEEO, CEEO will issue a Dismissal Letter to the parties, summarizing the evidence and its justification for dismissing the complaint. A Dismissal Letter can be issued at any point in the CEEO process if the alleged conduct does not fall within CEEO's jurisdiction (e.g., academic dishonesty, bullying).

i. *Mandatory Dismissals*

CEEEO will dismiss a formal complaint if at any point, one or more of the following circumstances are met:

- The evidence gathered is insufficient to show that discriminatory or harassing behavior took place;
- The conduct described is not civil rights related;
- The concern does not fall within CEEO's jurisdiction.

In addition to the above grounds for mandatory dismissals, CEEEO will dismiss claims of Title IX Sexual Harassment, if at any point, one or more of the following circumstances are met:

- The conduct did not occur within the United States;
- The conduct did not occur within UNM's Education Programs or Activities, including locations, event, utilizing UNM networks or technology, or circumstances over which UNM exercised substantial control over both the Respondent and the context in which the alleged conduct occurred; or
- The Complainant was not participating in, or attempting to participate in, UNM's Education Program or Activity at the time of the complaint.

If CEEEO issues a Mandatory Dismissal for a Title IX allegation, it may still proceed with a formal action as outlined in University Policy 2740.

ii. *Discretionary Dismissals*

CEEEO will consider a Discretionary Dismissal in all cases as follows:

- Where a Complainant notifies CEEEO or the Title IX Coordinator in writing that they want to withdraw the formal complaint or any allegations therein;
- Where the Respondent is no longer enrolled in or employed by UNM;
- Where specific circumstances prevent CEEEO from gathering evidence sufficient for a decision-maker to reach a determination (e.g., alleged misconduct is not targeted at a specific individual; there is no nexus between alleged misconduct and a protected status).

Parties may appeal a CEEEO dismissal pursuant to [Section XI](#) herein.

Even when it issues a Dismissal Letter, CEEEO may determine that the academic and/or work environment requires some informal action, such as training or education for the parties or a department. In cases where post-closure action is deemed appropriate, parties who need to know will be notified. This informal action may include:

- Referring the issue to a department, division, or unit to address climate issues (CEEEO will require the department to provide CEEEO with information outlining the remedial action that was taken);
- An educational or other training opportunity conducted by CEEEO or other entity;
- Referral to another department on campus with authority to address the concerns including the UNM Police Department, Dean of Students, Academic Affairs, or Human Resources.

c. Complainant Meeting

Typically, as part of the formal investigation, CEEO engages in an interview process with Complainant to determine the specific allegations Complainant requests CEEO to investigate. This interview process may consist of multiple meetings, if needed. For example, the Initial Assessment meeting described in [Section VII\(C\)\(3\)\(a\)](#) may yield sufficient information to proceed, but that is not always the case.

During the interview, CEEO will describe the investigative process, the rights and responsibilities of the parties, and UNM's policy prohibiting retaliation. Complainant will provide a statement to the investigator – whether verbal or written – outlining the specific allegations they are making against Respondent(s). If Complainant provides a verbal statement, CEEO will draft a written Confirmation of Allegations (COA) and provide it to Complainant within **two (2) business days** of the initial Complainant meeting in which they disclose the allegations. Complainant will have **two (2) business days** after receiving the COA to confirm its accuracy and then sign and return to CEEO. When the interview process is complete, Complainant has returned the COA, and the specific allegations of policy violation(s) have been identified for investigation, CEEO will simultaneously notify Complainant and Respondent within **two (2) business days** which allegations have been accepted for investigation, which type of discrimination the Complainant has identified, and which University policies the Respondent is alleged to have violated.

d. Respondent Meeting

If a formal investigation is elected, CEEO schedules a meeting with Respondent. Prior to meeting with Respondent, CEEO will provide Respondent with written notice and information that constitutes the complaint, including the protected status, the type of discrimination, and a summary of allegations raised by Complainant. During this meeting, CEEO describes the investigation process, the rights and responsibilities of all parties, and UNM's policy prohibiting retaliation.

At the initial meeting, CEEO notifies Respondent of the nature and scope of Complainant's allegations and the UNM policy(ies) Complainant alleges Respondent violated. Respondent may provide a statement to the investigator – whether verbal or written – in which Respondent addresses the allegations raised by Complainant and answers questions posed by the investigator. If Respondent provides a verbal statement, CEEO will draft a written Confirmation of Response (COR) and provide it to Respondent within **two (2) business days** of the initial Respondent meeting. Respondent will have **two (2) business days** after receiving the COR to confirm its accuracy and then sign and return to CEEO.

e. Evidence Gathering

As part of its investigation, CEEO gathers information it deems relevant to the allegations and any defenses. The parties may submit any documentation they believe should be considered, as well as identify any witnesses they believe should be interviewed. Witnesses are given the opportunity to review a draft of their statement before the statement is included in the Investigative Report. The parties should submit any evidentiary items that are listed in the Definitions section herein, including electronic evidence such as social media posts, audio, text, and phone records. The parties should notify CEEO as soon as possible of any electronic evidence, such as recordings and social media, in order for CEEO to request and preserve the evidence.

CEEO shall also identify evidence independently of the parties if CEEO determines that such evidence may be relevant to its investigation. CEEO may also receive information from other UNM offices as appropriate or review public sources, such as social media or public records.

CEEO has sole discretion to determine which allegations it will investigate and the way it will conduct an investigation. As such, CEEO has sole discretion to determine the relevance of information to the investigation. Any evidence that CEEO finds irrelevant to the investigation will be documented in the Investigative Report for purposes of final review by the Hearing Officer.

CEEO does not have subpoena power or other authority to compel document production or witness participation. Document production and witness participation is therefore voluntary; however, UNM strongly encourages all members of the UNM community to participate in CEEO investigations and provide information when CEEO requests it pursuant to its role as investigator.

f. *Inspection and Review Process*

The parties will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to issuing a final Investigative Report, CEEO will send to each party and the party's support person, if any, the evidence subject to inspection and review in an electronic format. The parties will have **ten (10) business days** to submit a written response, including any **new, factual information which was not reasonably available to the parties prior to issuing the Investigative Report**, which the investigator will consider prior to completion. See [Section VII\(C\)\(3\)\(h\)](#) herein.

g. *Post-Investigation Steps*

At the conclusion of an investigation, CEEO will either dismiss the formal complaint pursuant to [Section VII\(C\)\(3\)\(b\)](#) or continue the investigatory process for further action if a dismissal is not warranted.

h. *Investigative Report*

If dismissal of a formal complaint is not warranted, CEEO will create an Investigative Report. The Investigative Report will offer no opinion as to whether a policy violation occurred.

The Investigative Report will include: a citation to the policies alleged to have been violated; Complainant's statement; Respondent's statement; witness statements; all relevant evidence gathered in the investigation; a citation of evidence gathered that the investigator finds irrelevant; the investigative steps taken; and a statement outlining the reason for any delay in an investigation.

The Investigative Report shall:

- Objectively state all relevant evidence, including both inculpatory and exculpatory evidence;
- Start from a premise that the Respondent did not engage in discriminatory conduct until a determination of responsibility is made at the conclusion of the grievance process by a preponderance of the evidence;
- Outline disputed and undisputed facts uncovered during the investigation, including any evidentiary anomalies or discrepancies.

At the request of a party or witness, or at its discretion, CEEO will exclude and redact from the report content falling into one of the following categories:

- Prior Sexual History. Generally, an individual may exclude evidence of their own prior sexual history with anyone other than a party;
- Mental Health Treatment and/or Diagnosis. Generally, an individual may exclude evidence of their own mental health diagnosis and/or treatment;
- Sensitive Personal Identifying Information and Medical Records. Sensitive personal identifying information, such as Social Security numbers and irrelevant information contained in medical records, will be excluded;

The investigator will also exclude and redact content that is impermissible under applicable law. Exclusions and redactions will be noted and thereby become part of the investigative record.

To protect the integrity of the CEEO investigation, no documents or records are released to the Complainant or Respondent until the Investigative Report is issued. The Investigative Report contains a description of the documents and records CEEO gathers during its investigation and which the Hearing Officer may use to determine whether UNM policy was violated.

CEEEO will simultaneously notify both parties of a close-of-evidence date, from which time no additional evidence is collected. The parties must submit all information and evidence they would like CEEEO to consider as part of the investigation by the close-of-evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence they wish to offer or refer that existed prior to the close-of-evidence date except to respond to information contained in the Initial Investigative Report. Parties must provide all evidence they wish to offer or refer to at the Administrative Hearing as part of the investigation process prior to the close-of-evidence date. In the event of extraordinary circumstances that prevent the party from providing such all evidence during the investigation, CEEEO or the Office of Administrative Hearings may consider providing additional time.

After the Investigative Report is issued, the parties will have **ten (10) business days** to submit any new, relevant, factual information to be included in the final Investigative Report. The response may include corrections or clarifications to the party's own statement, questions for the other party or witnesses, along with any additional evidence or witnesses **not reasonably available to the parties prior to issuing the Investigative Report**. This new information will be included as part of the record in the final Investigative Report, which will be issued to the parties within **five (5) business days** of having received the parties' responses to the Investigative Report.

The final Investigative Report will then be compiled and forwarded to the UNM Hearing Coordinator to begin the grievance [hearing process](#). Thereafter, CEEEO will close the investigative file and provide notice to the parties of the same.

i. *Grievance Hearing Process*

A live hearing presided over by a Hearing Officer will be held to adjudicate the formal complaint and CEEEO investigation. Upon the request of either party, the hearing may be conducted by videoconference with the parties in separate rooms, pursuant to the [University Hearing Procedure](#). At all times, however, all participants – including the parties, Advisors, witnesses, and decision-maker – must be able to see and hear each other.

The Hearing Officer has extensive training in Title IX procedures as well as all applicable evidentiary requirements, standards of proof, and relevant state and local laws. The Hearing Officer is tasked with reaching a determination by applying a preponderance of the evidence standard, which is the standard utilized in all UNM hearing processes.

The [hearing process](#) is determined by the Hearing Officer.

VIII. OTHER MATTERS RELEVANT TO THE FORMAL GRIEVANCE PROCESS

A. General Statement of Investigation Timelines

CEEO attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of accepting a formal investigation; however, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances (e.g., numerous witnesses, newly discovered evidence, new allegations). When there are factors that extend the normal time frame, the parties are notified of the extension and CEEO documents the reasons for the extension. Similarly, when circumstances dictate that any of the timelines specifically identified herein be extended, CEEO notifies the parties and documents the reasons for the extension.

If a party requires an extension of any time limits applying to them as stated herein, they should submit a request to the investigator as soon as they learn of the need for an extension and state the reason for the request. If good cause for an extension is provided, CEEO may grant the request. If a request is granted, CEEO will notify the parties of the length of the extension and the reason provided for the extension.

In investigations where there is also a criminal investigation by a law enforcement agency, the CEEO process will run concurrently with such an investigation. CEEO may grant temporary delays reasonably requested by law enforcement for evidence gathering and preservation.

B. Party Responsibilities

All persons involved in a CEEO investigation are encouraged, and all UNM employees are required, to preserve all information and tangible material relating to alleged discriminatory or harassing conduct. Examples of evidence include, but are not limited to: electronic communications, photographs, video and/or audio recordings, clothing, and medical information.

At all stages of a CEEO process, UNM students and employees are expected to provide truthful information to investigators, hearing coordinators, and hearing officers. Making false representations to the University is prohibited under policy and applies to all UNM community members. See [UNM Student Code of Conduct](#), Section 2.3; [University Policy 2720](#); [University Policy 2740](#).

All UNM students and employees who participate in a CEEO investigation and any subsequent hearing should keep information confidential during the investigation and hearing in order to maintain the integrity of the process.

C. Party Participation

Participation in any CEEO process is voluntary, outside of employee reporting requirements. However, **Complainants and Respondents should consider that non-participation in a CEEO process could have an**

impact on the ultimate outcome of the complaint. If a party decides not to participate at any point in the process – from initial complaint through a hearing and final determination – this can impact the University’s ability to effectively respond to alleged civil rights violations, as well as the decision maker’s ability to fairly assess evidence and party credibility.

D. Modification of the Formal Investigation Process

CEEO may elect to deviate from standard process when facts or situations require it. Any deviation from standard reports will be described in detail in the Investigative Report and will include the reasoning for this deviation. Examples include, but are not limited to:

1. *Unaffiliated Respondents.* If the Respondent is unaffiliated with UNM or becomes unaffiliated with UNM, CEEO may continue the formal investigation and issue an Investigative Report.
2. *Hiring or Policy Challenges.* CEEO may accept a hiring or policy challenge based on protected status, where the complaint demonstrates a potentially disparate impact on Complainant. CEEO may elect to name a department, division, unit, or office as Respondent and review the hiring process, procedure, candidate pool, or hiring outcome. In these situations, CEEO may not name a specific Respondent and will issue only a Final Report.
3. *Disparate Impact Claims.* CEEO may accept a disparate impact discrimination claim, but alter the grievance process. CEEO may elect to name a department, division, unit, or office as Respondent and review the disparate impact claim. In these situations, CEEO may not name a specific Respondent, and may issue only a Final Report and recommendations for remediation.
4. *Failure to Report.* See [Section V\(C\)\(1\)](#).

E. Advisors, Support Persons, and Union Representation

Complainants and Respondents are encouraged to bring a support person of their choice to provide guidance during the CEEO process, including the investigatory stage. A support person may be any person who is not a party or potential witness in the case or a supervisor of one of the parties; their role is to assist the party in navigating UNM’s administrative processes. Support person roles may vary based upon the specific needs of the party.

In the event a CEEO investigation advances to a hearing, the parties are required to have an Advisor of their choice. The Advisor assists the party during the hearing stage, including conducting cross-examination of the opposing party and witnesses.

If the party has union representation, the party has a right to request that a union representative be present at any meeting with CEEO. If the party feels it is necessary to have a union representative during the interview, the party may ask to stop the interview at any time. The party will be given **three (3) business days** to obtain a union representative and reschedule the interview.

The parties may be accompanied by their respective support person to any CEEO meeting or interview. The support person is allowed to ask questions regarding CEEO’s process but is **not** allowed to answer questions posed to the parties, to present arguments or evidence, or otherwise participate directly in the investigation. A support person shall make themselves reasonably available for all aspects of the CEEO grievance process. CEEO will review and grant good cause extensions as it deems necessary on a case-by-case basis; scheduling conflicts alone generally do not constitute good cause. Parties are encouraged to utilize UNM’s on-campus resources.

CEEO will communicate directly with the parties unless the parties indicate otherwise in writing. If a party wishes CEEO to communicate directly with a support person, the party must sign a release and describe the parameters of CEEO's communication with the support person. If the party is a student, the student must sign a FERPA waiver provided by CEEO.

Advisors and/or support persons shall not share [FERPA](#)-protected or other confidential information learned through the CEEO process. Advisors and/or support persons shall not engage in harassment or retaliation of any person or party. Support persons will be asked to sign a Confidentiality Agreement to protect the integrity of the CEEO grievance process and investigation.

F. Conflict of Interest and Bias

1. Alleged CEEO Conflict

When a party alleges that there is a conflict of interest or bias that would prevent CEEO from conducting a fair, impartial, and neutral investigation, CEEO will conduct an assessment to determine whether an actual conflict or bias exists. A party's perception of a conflict or bias does not create an actual conflict or bias. An actual conflict exists where it is demonstrated that:

- The investigator has or has had a personal relationship with a party; or
- The named parties include – in good faith – the President of the University or the President's Chief of Staff, as CEEO reports directly to these individuals.

Each CEEO staff member is trained to disclose to CEEO leadership an instance in which they have a conflict or potential bias in a complaint assigned to them. An investigator is not presumed to have a particular bias based on any of their own protected statuses, prior affiliations, or prior investigation outcomes.

The Title IX Coordinator's or CEEO's direction to proceed with a formal complaint does not create an actual conflict of interest or bias for or against a party involved in the complaint. Such a direction does not endorse or accept as true the allegations in a complaint; rather, the direction is made to ensure UNM meets its obligations under the law and/or University policy.

If a party believes that a conflict of interest or bias affected the outcome of a CEEO investigation, they may appeal any CEEO or Hearing Officer determination on that basis. See [Section XI](#).

2. Other Conflicts in a CEEO Process

Where a Hearing Officer, Advisor, the President, sanctioning body, or other decision maker in the CEEO process is alleged to have a conflict of interest that would prevent fair, impartial, consistent, or objective application of policies and procedures related to the CEEO process, CEEO will assess whether an actual conflict or bias exists. In the event an actual conflict or bias is found, CEEO will work with the appropriate UNM officials to substitute such decision maker with one who does not have an actual conflict or bias.

IX. SANCTIONS AND REMEDIES

CEEO does not have sanctioning or disciplinary authority. If the Hearing Officer's final determination is that a policy violation occurred, the Hearing Coordinator will send a copy of the Investigative Report and the Hearing Officer's Final Determination to the parties, their Advisors, and CEEO as outlined in the [hearing procedure](#).

Investigative Reports and Final Determinations may also be shared with others who have a legitimate business reason to be advised of the determination, including but not limited to: National Institutes of Health (NIH), National Science Foundation (NSF), UNMPD, Student Conduct, Residence Life, the Clery Coordinator, Greek Life, and Athletics. CEEO will determine what information and what officials must be advised of the Hearing Officer's findings to remedy the effects of discriminatory conduct and to prevent its recurrence.

The Title IX Coordinator or Student Conduct Officer may submit a written statement regarding aggravating and mitigating factors to the sanctioning authority, including whether the Respondent was previously found to have violated University policy.

Sanctions can range from a verbal warning to expulsion or termination of employment.

If the Respondent is determined to have violated Title IX, the Title IX Coordinator may provide the Complainant with remedies that are separate from the Respondent's sanction. Remedies are designed to maintain the Complainant's equal access to the academic and/or work environment. Remedies may include extending supportive measures as defined in this CGP. Remedies are not required to be non-disciplinary or non-punitive for the Respondent and need not avoid burdening the Respondent. Remedies are confidential and are not shared with the Respondent except to ensure the remedy is carried out.

X. DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS; HIRING CHALLENGES

A. Consolidated Complaints; Cross-Claims

Where there are several complaints against a Respondent by more than one Complainant, CEEO may consolidate those complaints into one investigation when possible. In order to consolidate multiple complaints into one investigation, the complaints must arise out of the same set of facts or circumstances.

In instances where parties to an investigation each have a claim against the other – a cross-claim – that is jurisdictional to CEEO, the investigator assigned to the first report will also investigate the second report simultaneously. The cross-claims will be investigated simultaneously. This is to ensure a timely investigation and preserve resources for all involved. In addition, this allows for the hearing following an investigation to address both parties' claims at one time, preventing the need for an additional hearing.

B. Departmental Investigation

Unlike the consolidated complaint process outlined in [Section X\(A\)](#), a departmental investigation is held where there are multiple complaints against one Respondent, but the complaints **do not** arise from the same set of facts or circumstances. In this type of case, the occurrence of multiple complaints may be sufficient to indicate a pattern of acts that, in the aggregate, could violate UNM policy. Under such circumstances, CEEO may determine that a departmental investigation is warranted even though the individual complaints giving rise to the departmental investigation are not accepted as jurisdictional.

Departmental investigations are **NOT** available for investigations of Title IX violations.

When CEEO determines that a departmental investigation is the appropriate procedural option, it will follow the investigative process as outlined in [Section VII\(C\)\(3\)](#), as applicable.

C. Hearings with Multiple Complaints against One Respondent

In instances where there are multiple complaints involving the same Respondent but the complaints cannot be consolidated, the cases may be adjudicated in one hearing at the Hearing Officer's discretion.

D. Hiring Challenges

If an applicant to a University employment position or a current University employee alleges they were not interviewed, hired, or promoted as a result of discrimination due to a protected status, CEEO will accept the complaint as a hiring challenge. If the applicant or employee identifies a specific Respondent(s), CEEO will follow the grievance procedure set forth in this CGP.

If the applicant or employee does not name a specific Respondent(s), CEEO will review documentation from the specific Human Resource or Faculty Contract area and ask that Human Resources, the Office of Academic Personnel, and/or the hiring official provide a response regarding the hiring challenge. Relevant documentation may include, but is not limited to: position posting, recruitment efforts, ranking documents, resumes, applicant pool information, interview notes, interview committee composition, and hiring justification.

If the response and applicable documents do not appear to constitute a violation of UNM policy, CEEO will dismiss the challenge and notify the parties. Parties may appeal the dismissal, pursuant to [Section XI](#).

If there is evidence that UNM process and policy were not followed during the hiring or promotion process, CEEO will continue its investigation and grievance procedure set forth in this CGP.

XI. APPEALS

Parties may appeal a CEEO dismissal, the Hearing Officer's determination, and accompanying sanction for policy violations as follows:

A. Appeals to the President or Health Sciences Center (HSC) Executive Vice President (EVP)

A party may appeal CEEO's dismissal, the Hearing Officer's Final Determination, and accompanying sanction to the President of the University of New Mexico within **seven (7) business days** of the date of the Final Determination's issuance.

UNM HSC students may appeal to the EVP with a discretionary appeal to the President of the University of New Mexico. The [President Appeal Form](#) should be used for appeals sent to the President of the University of New Mexico. If a party requires different means to file an appeal, they should contact the Office of the President via email for guidance: president@unm.edu.

The President or EVP will consider an appeal only if it alleges one or more of the following circumstances:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; or
3. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Complainant or Respondent which affected the outcome.

The appeal must clearly state which of these grounds for appeal is alleged. No other grounds for appeal will be considered.

Appeals must be received by the Office of the President within **seven (7) business days** of the date the Final Determination was issued. Exceptions to this time limit will only be considered on a case-by-case basis with sufficient justification provided by the individual seeking the exception. Appeals that are not received by the stated deadline will be denied unless an exception to the appeal time limit is granted by the President or EVP.

If an individual appeals a Final Determination, the following individuals or offices will be notified:

1. The non-appealing party and their advisor(s)
2. CEEEO
3. Office of Administrative Hearings
4. The sanctioning body (if a sanction was issued as part of the Final Determination)

Both parties will be given five (5) business days to submit a written statement in support of, or challenging the outcome brought forward on appeal to the President's Office for consideration. If an appeal alleges that CEEEO or the Hearing Officer has not followed proper procedures, those parties will be given the opportunity to respond to the allegation.

Best efforts shall be made to issue a decision within **twenty (20) business days** after the appeal is received. If the appeal is considered, the President may decide to uphold the Final Determination in its entirety or may remand all or part of the appealed determination to the Hearing Officer or CEEEO for additional proceedings or investigation. Written notice of the President's decision will be provided to the parties, the Hearing Officer, CEEEO, and the sanctioning body (if applicable).

If the President denies an appeal of the Final Determination or upholds that Final Determination without change, the Hearing Officer and Coordinator may take whatever further action they deem is warranted on the matter, including but not limited to forwarding the Final Determination to appropriate disciplinary bodies or administratively closing the matter.

B. Appeals to the Board of Regents

Under [Regents Policy 1.5: Appeals to the Board of Regents](#), the Board of Regents has the discretion to review the President's decision on an appeal of the Final Determination. An appeal may be submitted to the Board of Regents **ONLY AFTER** the President's review and decision are completed. The Board of Regents has sole discretion to determine whether the appeal will be considered. Additional information on appeals to the Board of Regents can be found on the [Policy Office website](#).

XII. CONFIDENTIALITY

UNM strives to respect individuals' privacy and requests for confidentiality to the extent permitted by state and federal laws. However, UNM has an obligation to investigate and resolve civil rights claims. To meet this obligation, UNM may be required to share information with persons who have a legitimate need to know that information. For example, those who are responsible for determining whether UNM policies have been violated or those sanctioning individuals found to have violated UNM policy have a legitimate need to know the factual findings made by CEEO. Those who manage the processes for appeals of CEEO factual findings have a legitimate need to know the details of CEEO's investigation and/or need to review the evidence underlying a finding.

While UNM strives to respect the confidentiality and privacy of all parties involved in the process, UNM **cannot under any circumstances** guarantee confidentiality unless required to do so by law. Examples of situations in which confidentiality cannot be maintained include, but are not limited to:

1. Parties (Complainant and Respondent) have a right to examine and respond to all the evidence gathered by CEEO. While CEEO maintains information protected by [FERPA](#), parties may be able to view FERPA-protected information;
2. When UNM is required by law to disclose information (such as in response to a legal process or a request for information under the New Mexico Inspection of Public Records Act);
3. When disclosure of information – such as the identity of witnesses, sources of information – is necessary for conducting an effective and fair investigation, such as allowing for cross examination questions or providing facts and documentation to parties;
4. Communicating with managers, supervisors, deans, chairs, and HR agents on a need-to-know basis, so those individuals can effectively manage the work and/or academic environment;
5. For the purpose of implementing supportive measures; or
6. When confidentiality concerns are outweighed by UNM's obligation to protect the safety or rights of others.

CEEEO cannot grant anonymity to a person pursuing a formal investigation, as these cases may result in a live hearing before a Hearing Officer to determine if policy has been violated. For more information about the rights of individuals participating in processes related to alleged gender discrimination, please refer to [University Policy 2740](#).

CEEEO cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in that capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides voluntary, written consent to do so as part of this grievance process.