NMT Mandatory Reporters:
Talking Points - Sexual Violence and My Obligation to Report
and Frequently Asked Questions

Policy Text:

Except for Confidential Employees, all New Mexico Tech employees have been designated as Mandatory Reporters with regards to this policy and grievance procedure. These Mandatory Reporters are obligated to report any known or perceived sexual misconduct or sex discrimination to the University's Title IX Coordinator even if little information is known. To the extent possible, information obtained, shared, or reported to a Mandatory Reporter will be communicated with the Title IX Coordinator within 24-hours. These Mandatory Reporters and the Title IX Coordinator will not share personally identifiable information with New Mexico Tech Campus Police or other law enforcement without the Complainant's/ victim's consent or unless the victim has also reported the incident to law enforcement. This information is considered private.

Employees whose communications are privileged or confidential under federal or state law (e.g. Counselors, Medical Professionals) are considered Confidential Employees. The University has also extended the role of a Confidential Employee to its two (2) Ombudspersons. Complainants going to these individuals would receive the same confidentiality as they would with the University counseling and medical staff.

Talking Points

- I appreciate that you trust me enough to share with me and I want you to make a fully informed decision about what you tell me. So, I want you to know that I have to report things like sexual misconduct to the University's Title IX coordinator.
- Tech takes these concerns very seriously and has a process in place to address them.
- I have to report this to Tech's Title IX Coordinator. The Title IX Office a neutral investigator and will contact you to inform you of your rights, the process and procedure and your options.
- Your report will remain confidential and only shared with those who have a legitimate need to know to perform Tech's responsibilities.
- You are not required to talk to individuals in the Title IX office or participate in any process.
- You are not required to go to the police.
- Retaliation is strictly prohibited. Tech can issue no-contact orders or ban someone from campus.

- Academic, housing and other adjustments can be made for you.
- There are free counseling and advocacy services available on and off campus, locally and nationally:
  - NMT Counseling Services: Fidel 148 – (575) 835-6619
  - Socorro Mental Health Clinic: 1200 US Route 60 – (575) 835-2444
  - The National Domestic Violence Hotline: (800) 799-7233
  - National Sexual Assault Hotline: (800) 656-4673
  - Albuquerque Rape Crisis: 1025 Hermosa Dr. SE, Albuquerque, NM 87108 email:www.rape-crisis.org – (505) 266-7711
  - Employee Assistance Program (EAP for Tech Employees) through Corporate Health Resources: http://corporatehealthresources.com/ – (800)348-3232

They will not disclose what you tell them without your written permission.

- Tech's Title IX Coordinator is:
  Dr. Peter Phaiah
  Fidel Student Center 288
  575-835-0001 or 575-322-0001
  titleixcoordinator@nmt.edu

- Title IX & Sexual Misconduct Reporting Form (Mandatory Reporters should utilize this reporting form) **or** cut & paste this URL into your browser https://cm.maxient.com/reportingform.php?NewMexicoTech&layout_id=1

Frequently Asked Questions:

Are there any exceptions to the reporting obligations for Mandatory Reporters?
If a Responsible Employee is made aware of any allegations from public events, academic works, or human subject research protocols the employee does not have the obligation to report.

When should Mandatory Reporters file a report with the Title IX Coordinator?
Employees must report information regarding Title IX allegations within 24 hours or as soon as reasonably possible in order to allow the University to take appropriate action and steps to investigation what occurred and end any misconduct that may have occurred and meet its federal obligations.

What information does an employee report to the Title IX Coordinator?
Mandatory Reporters are required to report allegations pertaining to sexual assault, sexual exploitation, dating/intimate partner violence, stalking, sexual harassment, and gender-based harassment. Once an employee receives information regarding these allegations, the employee is required to disclose as much detailed information to the Office of Equal Opportunity as possible. Things such as: date of occurrence, time, location, should be provided to the Title IX Coordinator so that the University can fulfill its obligation of reaching out to the student regarding the incident. Once the Title IX Coordinator receives the information, the Title IX Coordinator will assess the allegations to determine jurisdiction and appropriate action.

Why does the University have a "Reporting Policy"?
Title IX is a federal law that prohibits discrimination of sex in educational settings for any entity that receives federal financial assistance. Under Title IX, schools have the responsibility of taking appropriate steps to investigate any allegations pertaining to Title IX violations and take prompt effective action to end any misconduct that occurred, remedy its effects and prevent its recurrence. In order to fulfill its federal responsibilities, the University must have an effect Reporting Policy in place in order to help students learn about their reporting options and for University employees to learn about their reporting responsibilities.

Why can't the University refer these matters to the police?
Under Title IX regulations mandated by the federal government, all institutions and their Title IX obligations must exist separately and independently from any law enforcement action. All institutions must have an administrative investigative component in order to comply with Title IX regulations. The criminal justice system uses different evidentiary standards with different rules, purposes, and outcomes than an internal administrative process which has a lower preponderance of the evidence standard.

Who is a "Confidential Employee"?
A "Confidential Employee" is any employee who is a licensed medical, clinical or mental-health professional such as nurses, counselors, social workers, physicians, psychologists and psychiatrists when acting in his or her professional role. Confidential Employees do not report information regarding Title IX allegations without permission from the person who disclosed the information. At Tech we have medical and mental-health professionals who can assist students and employees (some limits on service) confidentially in the Counseling Service Office: Fidel 148 – (575) 835-6619.