

Resolution for Faculty Senate Consideration:
Regarding Faculty Reporting Obligations under Title IX at the University of New Mexico

Whereas the University of New Mexico upholds integrity by building “trust through transparency, truthfulness, and responsibility” (Regents Policy Manual 2.18 Guiding Principles); and

Whereas the Faculty must “respect the confidential nature of the relationship between professor and student” and “avoid any exploitation, harassment, or discriminatory treatment of students,” (1987 AAUP Statement of Professional Ethics, Faculty Handbook Section B, Appendix V); and

Whereas the Faculty are also committed to upholding respectful campus by “developing and maintaining confidentiality and trust” via (FHB C09: Respectful Campus); and

Whereas the American Association of University Professors (AAUP) recommends faculty participation in shared governance to “to develop institutional policies and practices that address problems of sex discrimination while also protecting academic freedom, free speech, and due process” and objects to administrative policies that obligate faculty to report violations of Title IX (AAUP, “The History, Uses, and Abuses of Title IX,” 2016); and

Whereas federal Title IX regulations require all educational institutions to specify and train appropriately the “responsible employees” who are required to report gender discrimination and violence to the institution’s Title IX coordinator, but does not dictate which employees may be so designated; and

Whereas scholarly research on the legal and psychological implications of Title IX compliance has demonstrated the negative impact of universal mandatory reporting obligations on victims of sexual assault, reporting, and risk of litigation; and

Whereas student surveys and victims’ rights groups oppose mandatory reporting by faculty; and

Therefore, be it resolved: That the Faculty Senate of the University of New Mexico recognize that the faculty have a crucial role in fostering awareness of sexual violence and supporting students and other members of the campus community impacted by sexual violence; and be it further

Resolved: That UNM employ shared governance to involve faculty in the university’s response to sexual violence and sexual misconduct; and be it further

Resolved: That all committees assigned to review, develop, implement and/or oversee policies, research, and trainings include faculty, as well as staff and students; and be it further

Resolved: That UNM administrators revise University Administrative Policy 2740: Sexual Violence and Sexual Misconduct to exclude faculty and staff from the obligation to report (i.e. “responsible employees”) except for those faculty and staff who hold decision-making and supervisory authority over the welfare of students or employees. The term administrative specifically excludes persons whose only role is as the student’s teacher.

Adopted this November 22, 2016 by the Faculty
Senate of the University of New Mexico