Title IX regulations, which took effect in August 2020, changed the way schools are required to treat sex discrimination complaints, including claims of sexual harassment/sexual misconduct (UAP 2740). These new Title IX regulations, mandated changes to UAP 3215: Performance Improvement.

Revisions to UAP 3215: Performance Improvement have been completed and are ready for consideration. The proposed policy revisions separate Civil Rights violations from Non-Civil Rights violations. The impact of the new regulations on claims of sex discrimination can no longer be managed via the single investigator model where CEEO investigated the complaint and determined whether a policy is violated. The new regulation requires that one body conduct the investigation (CEEO) and another body (Hearing Office) conducts a live hearing on the matter to determine findings (policy violation). Further, the University is required to provide advisors for both parties (complainant and respondent) in Title IX matters and the Hearing Officer’s determination is final. If policy violations are found, each party has the right to appeal. To avoid confusion and promote efficiency, UNM has determined to manage all civil rights/discrimination complaints via the same process.

Therefore, if the matter of employee allegations involves a potential policy violation or misconduct under UAP 2720/2740/3110 and any other potential policy violations arising from the same circumstances, the process will be as follows:

- Discrimination complaint reported to CEEO;
- CEEO will advise complainant and employee respondent of the investigation;
- Investigation will be conducted by CEEO;
- If the matter is to proceed to a hearing, the respondent will receive notice of the hearing which includes information on the type of discipline that could be imposed if a policy violation is found. This notice takes the place of the NCA;
- CEEO gathers evidence and prepares an investigative report of relevant evidence, which is provided to the Hearing Officer;
- Live Hearing conducted (constitutes the employee response);
- After the hearing, Hearing Officer renders a decision on whether a policy violation occurred; if so, then the Department, Title IX Officer, and Human Resources will determine appropriate sanction which will be included in Hearing Officer’s final determination.
- Both parties (complainant and employee respondent) will have the opportunity to appeal.
- In the case where a policy violation is found, the appeal processes exhausted and the Hearing Officer’s decision upheld, the disciplinary action is imposed.

If the matter of employee allegations of a policy violation or misconduct DOES NOT involve allegations of UNM’s discrimination policies such as leave abuse, respectful campus, theft, etc., such matters will follow the current process, with one significant change; the Peer Hearing will now be a Live Hearing before the Hearing Officer. The process is as follows:

- Department will conduct fact-finding or investigation by LER;
- A notice of contemplated action (NCA) will be issued;
- Employee will have the opportunity to respond
- A notice of final action (NFA) will be issued;
- Non-Union employees who have been suspended or discharged may appeal the Department decision via a live hearing before a Hearing Officer
- If the Hearing Officer upholds the Department decision, the employee may appeal to the President (as a right) and BOR (discretionary)