

EQUAL OPPORTUNITY, NON-DISCRIMINATION AND

AFFIRMATIVE ACTION AT THE UNIVERSITY OF NEW MEXICO

In fulfilling its dual tasks of educating and providing public service, the University can, and shall, demonstrate leadership in eliminating discrimination and providing equal opportunities in employment and education. UNM abides by all federal and state laws related to civil rights and shall abide by the requirements of 41 CFR §§ 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that we take affirmative action to employ, and advance in employment, individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.

Equal Opportunity and Affirmative Action (EO/AA)

UNM conducts employment and educational activities in accordance with University policy, federal and state EEO laws and regulations. It is illegal to discriminate against someone on the basis of:

- Race, ethnicity
- Color
- Age (over 40)
- Religion
- Sex/Gender
- National origin, ancestry
- Physical or mental disabilities or medical conditions
- Sexual orientation
- Spousal affiliation
- Gender identity
- Veteran Status
- Genetic Information
- Pregnancy

The University of New Mexico recognizes its responsibility to extend equal employment and educational opportunities to all qualified individuals. The University has a responsibility to its students and to the citizens of the state to actively recruit, hire and retain the best qualified persons possible, and to do so in the context of our commitment to affirmative action principles.

Further, the University commits itself to a program of affirmative action to increase access by, and participation of, traditionally underrepresented groups. The Office of Equal Opportunity (OEO) provides guidance and assistance to University leadership in identifying effective recruitment and retention strategies to meet its affirmative action responsibilities. This includes monitoring and/or auditing all employment activity for staff and faculty at the University.

Non-Discrimination The University strives to establish procedures which assure equal treatment and access to all programs, facilities, and services. In keeping with this policy of equal opportunity, the University is committed to creating and maintaining an atmosphere free from all forms of discrimination and harassment.

Responsibility

Students - It is expected that all students will abide by the Student Code of Conduct which prohibits discrimination and harassment of fellow students, staff and faculty.

Employees - It is expected all employees will foster a work environment that is free from discrimination, is respectful of fellow employees and allows all employees to reach their full potential.

Supervisors - It is expected all supervisors will be familiar with EO/AA policies and AA Plan and obligations. It is expected they discuss policies and resources with their employees, and to take an active, positive role in fulfilling our EEO commitment.

Executive Leadership - It is expected that the President, Provosts, Chancellors and Vice Presidents will take the lead in implementing UNM's AA Plan.

Office of Equal Opportunity Director - The Director of OEO and staff will continue to monitor all equal opportunity activities and report on the effectiveness of our AAP and action-oriented programs, including recommendations for necessary action to ensure attainment of University objectives.

Sexual Harassment and Sexual Assault

Sexual harassment, a form of sex discrimination, is defined as unwelcome conduct of a sexual nature. Conduct of a sexual nature becomes a violation of this policy when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Examples of Sexual Harassment

- Suggestive or obscene letters, notes, invitations
- Electronic communications, such as e-mail, text messaging and internet use, that are sexual in nature
- Unwelcome sexual jokes or comments (including favorable comments about someone's gender, body or appearance)
- Impeding or blocking movements, touching, or any physical interference or stalking
- Sexually-oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters
- Threats or insinuations that refusal to provide sexual favors will result in reprisals, withholding support for appointments/recommendations, promotions or transfers, change of assignments or poor reviews or grades
- Sexual and/or gendered violence, including, but not limited to, rape, sexual assault, sexual battery and sexual coercion

Reporting Responsibility University faculty, administrators and supervisors who witness and/or receive a written or oral report or complaint of sex discrimination and/or sexual harassment or sexual violence are required to engage in appropriate measures to prevent violations of this policy and promptly notify OEO. The University relies on its employees to notify the University's Title IX Coordinator of all disclosures of sex discrimination, sexual harassment and sexual violence against students. OEO's Director serves as the Title IX Coordinator for the University.

Protected Veterans and Individuals with Disabilities

An individual is considered to have a disability if they:

- have a physical or mental impairment that substantially limits one or more major life activities of such individual, such as walking, breathing, eating, seeing, communicating, working, etc.;
- have a record of such an impairment; or
- are being regarded as having such an impairment

Protected veterans are those who are:

- Disabled veterans,
- Recently separated veterans,
- Active duty wartime or campaign badge veterans, and
- Armed Forces Service Medal veterans

How to Receive Consideration

Students, employees and applicants who believe themselves covered by these laws are invited, at their own discretion, to identify themselves as disabled or as a veteran through:

Demographic Self-Service online form, Supervisors, Human Resource representatives, Accessibility Resource Center, Veteran's Resource Center or OEO

The information submitted will be considered confidential and will be used only as required to meet the provisions of the Acts. Refusal to provide the information will not subject anyone to adverse treatment. Students, employees and applicants are also protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation.

Requesting an Accommodation

The University shall make reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless the University can show that providing an accommodation would impose an undue hardship or would fundamentally alter the nature of a class or academic program. OEO's Director serves as the ADA Coordinator for the University.

Assured Success

To assure the success of our policy and our continued compliance with applicable laws and regulations, members of the UNM community are reminded that it is the responsibility of each of us to provide equal opportunities for qualified persons with disabilities and veterans.

Discrimination Complaints

It is the policy of the UNM to endeavor to handle internally any complaint alleging discrimination or harassment. Anyone who has an EEO-related complaint can report it to:

- Office of Equal Opportunity (OEO)
- Dean of Students
- Human Resources
- Ombudsperson
- supervisor or manager
- Director, Chair or Dean
- Internal Audit
- UNM Compliance Hotline

OEO will inform complainants of their rights and available options to determine if an investigation is necessary, conduct an investigation if warranted, and issue a written determination of the charge. All charges of discrimination will be handled in a confidential manner. Information submitted will only be used as necessary to fully investigate the charge.

Retaliation

It is the policy of UNM to foster an environment where employees feel comfortable raising civil rights issues and concerns. It is contrary to University policy, state and federal civil rights laws to retaliate against anyone for asserting their civil rights. This provision includes any witness who provides information during an OEO investigation.

For More Information

If you have any questions or would like more information on any of these topics and the policies which govern them, please contact the Office of Equal Opportunity.



UNM

Office of Equal Opportunity

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The University of New Mexico executive leadership is committed to the full implementation of all aspects of the policies related to the above information. We ask that each of you join us in the commitment and that we work together to ensure a positive and productive environment for all members of our University community.