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# Administrative Policies and Procedures Manual - Policy 2720: ~~Prohibited Discrimination and~~ Equal Opportunity and Prohibited Discrimination (Interim)

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Authorized by RPM 2.3 ("Equal Opportunity, ~~Affirmative Action, Anti-Harassment, and Anti-Retaliation~~")

Process Owner: Director, Equal Opportunity

Note: This policy was formerly numbered UAP 3100.

## 1. General

The University of New Mexico is committed to providing a safe and inclusive environment that draws on the diversity of its members. The University prohibits discrimination, harassment, or related retaliation based on protected class (as defined in Section 2) in any educational and work environment. It is critical to this commitment that anyone who experiences, witnesses, or is aware of such discrimination, harassment, or retaliation report the behavior pursuant to Section 9 below.

The University adheres to all federal and state civil rights laws and regulations prohibiting discrimination. UNM does not discriminate against any applicant, employee, or student based on protected category. This policy covers nondiscrimination in both employment and access to educational opportunities. Any member of the UNM community who acts to deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the UNM community, guest, or visitor on the basis of actual or perceived membership in a protected class is in violation of this policy.

The University is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA) as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified individuals with disabilities and provides for equal opportunities and accessibility to individuals with disabilities. Consistent with federal and state law, individuals with disabilities are entitled to access, support, reasonable accommodation, and academic adjustments.

The University is committed to protecting the rights of pregnant and breastfeeding employees, students, guests, and visitors, and provides necessary accommodations to students and employees (faculty, staff, and student employees) affected by pregnancy or childbirth in the same manner as other individuals unable to work or participate in their work or education because of their physical condition.

The University is committed to providing reasonable accommodation for the religious beliefs and practices of its students and employees.

The University is committed to fostering an environment of inclusiveness that respects an individual's preferred form of self-identification, including a name other than a legal first name and the pronoun that aligns with their gender identity. This policy prohibits gender-based discrimination, including discrimination based on gender-identity or expression, and affirms the right of individuals to use the gender-specific facilities consistent with their gender identity.

The University is committed to inclusive excellence and diversity and seeks to take advantage of the rich backgrounds and abilities of everyone. The University, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action. It makes good faith efforts to recruit, hire, and promote qualified women, minorities, individuals with disabilities, and veterans.

The Office of Compliance, Ethics & Equal Opportunity (CEEEO) is the independent, impartial, and neutral campus entity designated to investigate issues that that apply to civil rights. CEEEO reports directly to the University President to maintain optimal independence and impartiality. The CEEEO investigative process can be accessed [here](#).

This policy applies to the programs and activities of UNM, to conduct that takes place on the campus or on property owned and controlled by UNM, a UNM sponsored events, or in buildings owned or controlled by UNM or UNM's recognized student organizations.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to UNM work or educational programs including cyber harassment.

Regardless of where the conduct occurred, UNM will address complaints filed pursuant to this policy to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial UNM interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of UNM.
- All vendors serving UNM through third-party contracts are subject to the policies and procedures of their employers (or to these policies and procedures to which their employer has agreed to be bound through their contracts).

## **2. Definitions**

1. “Protected class” means those personal traits or characteristics, statuses, and/or beliefs that are defined by applicable law and policy as protected from discrimination or harassment including age, ancestry, color, ethnicity, gender, gender identity (including gender expression), genetic information, national origin, physical or mental disability, pregnancy, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation, and veteran status.
2. “Discrimination” prohibited by this policy means conduct based on a protected class that treats the individual differently than similarly-situated individuals who are not in the protected class by excluding an individual from participation in, denying the individual the benefits of, or otherwise adversely affecting a term or condition of an individual’s employment, education, living environment, or participation in a University program or activity. Differential treatment and harassment that creates a hostile environment based on an individual’s membership in a protected class are types of discrimination prohibited by this policy.
3. “Differential treatment” occurs when people, whether an individual or a group, are treated differently than similarly-situated individuals who are not in their protected class because of their membership in the protected class.

4. “Sexual harassment” under this policy is unwanted conduct of a sexual nature that is sufficiently serious (i.e., severe/pervasive) and objectively offensive as to deny or limit a person’s ability to participate in or benefit from the University’s programs, services, opportunities, or activities; or that has the purpose or effect of unreasonably interfering with an individual’s employment. *See* UAP 2740 (including sexual harassment, sexual assault, stalking, domestic and dating violence) for definitions of sexual harassment under Title IX of the Education Amendments of 1972.
5. “Discrimination” and/or “Harassment” exists when harassment is sufficiently serious (i.e., severe/pervasive) and objectively offensive so as to deny or limit a person’s ability to participate in or benefit from the University’s programs, services, opportunities, or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual’s employment. In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Harassment that creates a hostile environment is prohibited by this policy. Whether a hostile environment exists is determined by considering all related circumstances.
6. “Retaliation” means any action by an accused individual (i.e., respondent) or by a third party to seek retribution or take materially adverse action against any individual or group of individuals involved in filing a complaint or report under this policy, filing an external civil rights complaint, participating in the investigation of a complaint or report under this policy, or reasonably opposing conduct made unlawful by this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual or group because of their complaint or participation.
7. “Affirmed pronoun” means a pronoun that a person chooses to use or have used for self-identification (e.g., she, her, hers, he, him, his, ze, they).
8. “Gender identity” means one’s internal sense of gender identity, which may be different than the assigned sex at birth.
9. “Gender expression” means gender characteristics or gender identity that may or may not conform to gender stereotypes about masculinity or femininity.

10. “Reasonable accommodation” means any reasonable adjustment to a work, academic, or educational environment which provides equal opportunities to individuals with disabilities or serious medical conditions, or for the religious observances, beliefs, and practices of its students and employees.

11. “LEP Individuals” are individuals who do not speak English as their primary language or who have a limited ability to read, write, speak, or understand English. LEP Individuals may also be referred to as “LEP Persons.”

12. “Undue hardship” is determined through a consideration of the following factors:

- the impact of the accommodations on departmental and University operations and delivery of services,
- the nature of the accommodations and cost in relation to the University's total budget,
- the number of University employees, and
- the number, type, and location of facilities.

See Section 3.3 of UAP 3110 (“Reasonable Accommodation for Employees With Disabilities”).

### **3. Prohibited Discrimination**

This policy applies to the programs and activities of UNM, to conduct that takes place on the campus or on property owned and controlled by UNM, a UNM sponsored events, or in buildings owned or controlled by UNM or UNM’s recognized student organizations.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to UNM work or educational programs including cyber harassment.

Regardless of where the conduct occurred, UNM will address complaints filed pursuant to this policy to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial UNM interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of UNM.
- All vendors serving UNM through third-party contracts are subject to the policies and procedures of their employers (or to these policies and procedures to which
- Any member of the University community or visitors whose acts deny, deprive, or limit the educational or employment [or residential and/or social] access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of this policy.

### **3.1. Differential Treatment**

The University expects all members of the University community, as well as its visitors, will be treated equitably, in all aspects of its educational programs and activities and employment. Listed below are examples of conduct that can constitute discrimination based on differential treatment. This list is not exhaustive; in addition, each situation must be evaluated in light of the specific facts and circumstances to determine if discrimination has occurred.

- Singling out or targeting persons for different or adverse treatment (e.g., more severe discipline, unfair grade, lower salary increase, negative performance evaluation, or termination) because of their protected class.
- Preventing persons from using University facilities or services because of their protected class.
- Denying persons access to educational programs based on their protected class.
- Failing to provide reasonable accommodations for qualified individuals with disabilities or serious medical conditions or for religious holidays or observances.
- Treating persons differently because they do not conform to specific gender expressions.

### **3.2. Other Discriminatory Conduct Based on a Protected Class**

Harassment constitutes a form of discrimination that is prohibited by this policy. Harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual

or perceived membership in a class protected by policy or law that created a hostile environment in a work or educational program.

UNM does not tolerate discriminatory harassment of any employee, student, visitor, or guest.

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.<sup>[1]</sup> This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive *and* objectively offensive. Examples include:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens the health or safety of another based on protected class.
- Depriving, limiting, or denying educational or employment opportunities based on a protected class.
- Intimidation or implied threats or actions based on a protected class.
- Hazing; acts likely to cause physical harm or social ostracism when related to admission, initiation, pledging, or joining a group activity when based on a protected class.
- Bullying; repeated and/or severe behavior that is likely to intimidate or intentionally hurt another person physically or mentally when based on a protected class.

Violation of any of UNM's policies may constitute a civil rights offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or education benefits or opportunities.

UNM reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment. Addressing such conduct will not result in the imposition of discipline under University policy, but may be addressed through respectful conversation, remedial actions, education, and/or other informal resolution mechanisms.

## **4. Other Civil Rights Offenses**

In addition to the forms of sexual harassment described in UAP 2740, UNM prohibits the following forms of discrimination when the act is based upon the Complainant's perceived or actual membership in a protected class.

### **4.1 Sexual Exploitation**

Sexual exploitation is taking nonconsensual or abusive sexual advantage of another person for their own benefit or the benefit of anyone other than the person being exploited, and which does not otherwise constitute sexual harassment under this policy or UAP 2740.

Examples of sexual exploitation include but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed).
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity where there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe, or disseminating photos without the photographed person's consent), including the making or posting of revenge porn.
- Prostitution or prostituting another.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection. [Note: even if the viral loads are undetectable and transmission chances are low to non-existent, many state laws still require a person to disclose their HIV status to sexual partners].
- Administering drugs or alcohol (such as so-called "rape drugs") to another person without their knowledge or consent.
- Exposing one's genitals in non-consensual circumstances, including unwelcome sexting.

## **5. Gender Identity**

### **5.1. Preferred or Affirmed First Names and Pronouns**

This policy prohibits discrimination and harassment based on gender identity or gender expression. Individuals shall not be required to obtain a court-ordered name change before being addressed by the first name and pronoun that corresponds to their gender identity. The University is committed to using preferred or affirmed names and pronouns wherever possible in the course of University business and education.

Members of the University community are expected to make reasonable efforts to address individuals by a pronoun corresponding to their gender identity upon request. Individuals may not be subjected to unwelcome questions or invasive requests for documentation related to their gender identity.



The intentional or persistent refusal to respect a preferred or affirmed name or pronoun can constitute discrimination or harassment that is a violation of this policy. This policy does not prohibit inadvertent slips or mistakes in using an individual's preferred or affirmed name or pronoun.

## **5.2. Gender-Specific Facilities**

Individuals shall be provided access to designated gender-specific facilities consistent with their gender identity.

## **6. Freedom of Speech and First Amendment Protection**

This policy is not intended to inhibit or restrict free speech or the expression of ideas. In cases of alleged harassment or discrimination, the protections of the First Amendment must be considered if issues of speech or expression are involved.

## **7. Hate/Bias Crimes and Incidents**

A hate crime is a crime committed in whole or in part because of the victim's actual or perceived race, ethnicity, religion, color, national origin, ancestry, age, disability, gender, sexual orientation, gender identity, and/or among these characteristics' intersections. Under New Mexico state law, hate crimes are "motivated by hate," meaning the commission of a crime with the intent to commit the crime because of the actual or perceived race, ethnicity, religion, color, national origin, ancestry, age, disability, gender, sexual orientation, or gender identity of the victim, whether or not the offender's belief or perception is correct. NMSA 1978, Section 31-18B-(1). A person who has experienced a hate crime should report the crime to the University of New Mexico Police Department by calling 277-2241, calling 911 in case of emergency, or by filing a [hate/bias incident report](#) on the UNMPD website.

A hate/bias incident is an act of conduct, speech, or expression to which a bias motive is evident as a contributing factor (regardless of whether the act is criminal). All hate crimes are bias incidents, but not all bias incidents are hate crimes (by legal definition). A hate/bias incident may also be a violation of this policy and should be reported to CEEO or reported via the hate/bias reporting form on the [CEEEO website](#).

## **8. Reasonable Accommodation**

The University makes reasonable accommodations for students, employees, prospective students and employees, and visitors in accordance with federal and state regulations. Assessing and determining appropriate and effective reasonable accommodations must be done on a case by case basis. Failure to accommodate can constitute discrimination in some instances. Anyone

seeking to file a claim for failure to provide an accommodation in the academic and/or work environments or University program or activity should contact CEEO.

### **8.1. Reasonable Accommodation for Religious Observances, Beliefs, and Practices**

The University makes reasonable accommodations for religious observances, beliefs, and practices for students, employees, and prospective students and employees. Reasonable accommodations are made for students unless such accommodations have the end result of altering educational requirements of a course or program, or place an undue hardship on the operations of the University. Reasonable accommodations are made for faculty and staff unless such accommodations have the end result of substantially ~~significantly~~ disrupting the efficiency or effectiveness of the workplace, fundamentally altering the essential functions of a job, or placing an undue hardship on the University. Failure to accommodate religious observances and practices can constitute discrimination on the basis of religion in some instances and each case will be evaluated in light of the totality of the circumstances. Persons seeking religious accommodation should contact CEEO if assistance is needed.

### **8.2. Reasonable Accommodation for Individuals with Disabilities and Serious Medical Conditions**

The University is committed to providing equal opportunities to individuals with disabilities. The University makes reasonable accommodations for students, employees, prospective students and employees, and visitors. The University makes reasonable accommodations for the physical and mental disabilities of a student unless an accommodation has the end result of fundamentally altering the nature of the course or program, or places an undue hardship on the operation of the University. The University makes reasonable accommodations for the physical or mental disabilities of an employee or applicant unless such accommodations have the end result of relieving, reallocating, or altering the essential functions of a job or place an undue hardship on the operation of the University.

Failure to accommodate can constitute discrimination on the basis of disability in some instances. Students should refer to [UAP 2310 \("Academic Adjustments for Student with Disabilities"\)](#) for guidance on requesting accommodations and should contact the University [Accessibility Resource Center](#) for assistance. Employees, including undergraduate and graduate student employees, should refer to [UAP 3110 \("Reasonable Accommodation for Employees with Disabilities"\)](#) for guidance on requesting workplace accommodations and initiating an interactive dialogue with their immediate supervisor or manager.

The Director of Equal Opportunity or their designee serve as the University's Americans with Disabilities Act (ADA) Coordinator. Any applicant, employee, or visitor needing guidance on

seeking a reasonable accommodation for disability should contact the Director of Equal Opportunity. Once an accommodation has been put into place, the accommodation should be registered with the ADA Coordinator for tracking and implementation purposes. In addition, any students, employees, and applicants who feel that they have been denied a reasonable accommodation can file a complaint with CEEEO pursuant to section 13 below. Visitors to the University who feel they have been denied a reasonable accommodation can utilize the process outlined in the University's [ADA Grievance Procedure](#).

### **8.3. Pregnancy Accommodation**

The University is committed to protecting the rights of expecting persons and makes reasonable accommodations for pregnancy, [lactation](#), and conditions related to pregnancy for students, employees, and prospective students and employees. The University makes accommodations for expectant students and employees unless an accommodation has the end result of fundamentally altering the nature of the course or program, or have the end result of relieving, reallocating, or altering the essential functions of a job or place an undue hardship on the operation of the University. Students, employees, and applicants should contact CEEEO if assistance is needed.

## **9. Limited English Proficiency Requirements**

Departments must take reasonable steps to ensure that LEP Individuals have meaningful access to their programs and activities. Meaningful access is language assistance that is accurate, timely, and effective and is available at no cost to the LEP Individual.

### **9.1. Document Translation Requests**

When an LEP Individual requests a department translate a document from English to another language, the department must use a Qualified Translator. Departments should continually evaluate the extent to which they utilize Vital Documents to translate any document on an ad hoc basis or to translate Vital Documents frequently used by the Department. Information on the UNM- approved request services translation process is available at <https://www.ceeo.unm.edu>. Any costs associated with translation services are the responsibility of the requesting department.

### **9.2. Interpretation Services**

Some LEP Individuals may feel more comfortable when a trusted family member or friend acts as an interpreter. When an LEP Person attempts to access department services and an interpreter is needed, the Department should inform the LEP Person that the Department can

provide an interpreter for them at no charge, or they may use their own interpreter. Departments should also consider whether it is appropriate for a family member or friend to serve as an interpreter under the following circumstances: 1) in an emergency situation, 2) when the subject matter or situation requires a higher level of language competency, or 3) when there are concerns about confidentiality, privacy, or a conflict of interest. Departments cannot require LEP Persons to provide an interpreter and should not use their family members or friends as interpreters without the consent of the LEP Individual. LEP Persons also have the right to decline interpretation services.

If interpretation services are needed, Departments must use a Qualified Interpreter unless the individual requested that their friend or family member serve in this capacity and the Department informed the person of the availability of professional interpretation services. For information on UNM's interpretation services, visit <https://www.ceeo.unm.edu>. Any costs associated with professional interpretation services are the responsibility of the requesting department.

### **9.3. Language Interpretation Requirements**

The provisions in this policy do not override the minimum requirements for language proficiency applicable to all applicants for admission to the University. For more information visit <https://international.unm.edu/english-proficiency.html>.

## **10. Reporting and Investigations**

It is the policy of the University to prevent and eliminate forms of unlawful discrimination in employment and educational settings. Persons who believe they have been discriminated against on the basis of a protected class are encouraged to contact CEEO.

Parties have the option of filing an informal or formal complaint with the Office of Compliance, Ethics & Equal Opportunity. An informal complaint will not trigger an investigative process, but will allow a Complainant the ability to seek supportive measures. A formal complaint will include a formal investigation and may culminate in a live hearing before a hearing officer or other decision maker.

CEEEO follows its [CEEEO Discrimination Grievance Procedure \(CDGP\)](#) when addressing and investigating claims of discrimination. The [CDGP](#) describes the procedures that apply when a complaint is filed pursuant to this section.

In some instances, the behavior at issue may be harassing, but not sufficiently severe, persistent, or pervasive as to constitute a discriminatory hostile work or learning environment. In such

cases, the University may take steps to protect the safety and welfare of the students and employees involved and/or campus community by offering supportive measures, requiring training, or other informal processes. Information on these informal processes are in the [CDGP](#).

## 11. Disciplinary Procedure

The Faculty Handbook [Policy D175](#) and the UNM [Pathfinder](#) contain the disciplinary and grievance policies and procedures related to ~~the~~ undergraduate, graduate and professional students, as well as visitors.

[UAP 3215](#) (“Performance Management”) describes the disciplinary processes and procedures that may apply after an investigation pursuant to this section is complete and a finding is made that this policy was violated by a staff member.

[Employees, inclusive of faculty, staff, and students, who are represented by a union, will be subject to discipline pursuant to their applicable bargaining agreement.](#)

~~Faculty Handbook [Policy C07](#) (“Faculty Disciplinary Policy”) describes the disciplinary processes and procedures that may apply after an investigation pursuant to this section is complete and a finding is made that this policy was violated by a faculty member.~~

## 12. Mandatory Reporting Responsibility

When University faculty, administrators, and supervisors witness or receive a written or verbal report or complaint of discrimination or harassment, they are required to promptly notify CEEO. The University relies on its employees to notify CEEO of all disclosures of discrimination and harassment as defined in this policy. The University encourages all members of the University community to report all known or suspected discriminatory conduct. The University can take corrective action only when it becomes aware of issues. Therefore, it encourages persons who believe they have witnessed or experienced discrimination or harassment to come forward promptly with their inquiries, reports, or complaints. Nothing in this policy impedes individuals’ rights to pursue legal remedies or to contact outside administrative civil rights agencies in addition to the remedies provided in this policy.

This section of the policy does not obligate licensed healthcare professionals and other designated persons, who are required by professional or University responsibilities, to keep certain communications confidential, or to disclose those confidential communications.

### 12.1. Supervisors

Supervisors shall report all known or suspected discriminatory conduct to CEEO. If supervisors fail to notify CEEO when they know, or reasonably should have known, that a student or subordinate employee is being subjected to discrimination, supervisors could be held in violation of this policy. Additionally, supervisors should manage their workplaces to ensure that they are fair and equitable.

## 13. Confidentiality

The University recognizes that individuals have a right to privacy; however, the University also has an obligation to address concerns and inquiries, to investigate and resolve civil rights claims, and to comply with state and federal disclosure rules, regulations, and laws. All complaints will be handled in a confidential manner *to the extent possible*. Information will be shared with parties in order to participate in the CEEO **discrimination** grievance procedure, among University employees or external parties on a need-to-know basis, as permitted under University policy, and as permitted or required by applicable federal and state law.

## 14. Retaliation

It is the policy of the University to foster an environment where individuals may raise civil rights claims without fear of retaliation or reprisal. All members of the University community have a right to redress for perceived violations of this policy. It is contrary to federal and state civil rights laws, and to University policy, to retaliate against any persons for asserting their civil rights, which includes raising concerns related to civil rights, reporting to any University office charged with addressing such complaints, filing a claim of discrimination or harassment, or participating in an investigation related to an allegation of discrimination or harassment

Allegations of civil rights retaliation should be reported to CEEO. Retaliation is grounds for a subsequent complaint and investigation and may result in disciplinary action against the persons committing the retaliatory acts. Listed below are examples of behavior that can constitute such retaliation. The list is not exhaustive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if retaliation has occurred.

- Work related threats, warnings, or reprimands.
- Transfers to less prestigious work hours or duties.
- Engaging in activity that is likely to deter reporting pursuant to this policy.
- Trying to improperly influence or intimidate a witness or other party's involvement in the CEEO process

## 15. Providing False Information

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith

allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation.

Notwithstanding this provision, any member of the University community who: knowingly gives false or materially inaccurate information; knowingly makes a false report of suspected misconduct or a subsequent false report of retaliation; or who knowingly provides false answers or information in response to an ongoing investigation may be subject to administrative action by the University including disciplinary action, up to and including termination from employment or expulsion from the University.

## **16. Equal Opportunity ~~and Affirmative Action~~**

The University recognizes its responsibility to extend equal employment and educational opportunities to all qualified individuals and will not discriminate against any applicant or employee based on protected class. The University has a responsibility to its students and to the citizens of the State to establish and follow through on good faith efforts to actively recruit, hire, and retain the best-qualified persons possible, and to do so in the context of its commitment to [effective recruiting and retention strategies](#). ~~affirmative action principles.~~

Further, the University commits itself to a program of affirmative action to increase access by, and participation of ~~\_, traditionally underrepresented groups, including women, racial/ethnic minorities (to include, Native Americans, Black/African Americans, Latinx/Hispanics, Asians, and Pacific Islanders),~~ individuals with disabilities, and veterans. ~~CEEO provides guidance and assistance to the University leadership in identifying effective recruitment and retention strategies to meet its affirmative action responsibilities. This includes monitoring or auditing all employment activity for staff and faculty at the University.~~

### **16.1. Responsibility for ~~Affirmative Action Plan~~**

~~Executive Order 112446 requires the University to create a written Affirmative Action Plan (AAP) that measures whether women, minorities, individuals with disabilities, and veterans are being employed at the expected rate given their composition of the relevant labor pool, and set goals when they are not.~~

~~The Director of Equal Opportunity has been designated as the Affirmative Action Coordinator. This official is responsible for gathering data for the AAP, monitoring or auditing all of the University's equal employment opportunity and affirmative action activities, reporting annually on the effectiveness of the University's affirmative action programs, and developing recommendations for necessary action to assure attainment of the University's stated objectives. Any questions related to the AAP should be directed to CEEO.~~



~~The University President has overall responsibility for the AAP. All senior and mid-level administrators (vice presidents, deans, directors, department heads) are accountable for their performance in the accomplishment of affirmative action goal objectives and action-oriented plans, and for ensuring that all recruitment, applications, and hiring processes are consistent with state and federal law and with AAP objectives. Human Resource professionals and search and interview committees should adhere to all applicable recruitment and hiring guidelines, affirmative action and diversity principles and regulations, and AAP goals and initiatives. All University data stewards are responsible for providing accurate, verified, and timely data for the annual AAP.~~

## 17. References

### 17.1. Related Policies

- [Regents Policy 2.3 \("Equal Opportunity, Affirmative Action, Anti-Harassment, and Anti-Retaliation"\)](#)
- [Faculty Handbook Policy D176 \("Graduate and Professional Student Conduct and Grievance Procedures"\)](#)
- [Faculty Handbook Policy C260 \("Religious Accommodations"\)](#)
- [UAP 2200 \("Reporting Suspected Misconduct and Whistleblower Protection from Retaliation"\)](#)
- [UAP 2215 \("Consensual Sexual or Romantic Relationships"\)](#)
- [UAP 2310 \("Reasonable Accommodation for Students with Disabilities"\)](#)
- [UAP 2740 \("Sexual Harassment Including Sexual Misconduct \(Interim\) Assault"\)](#)
- [UAP 2750 \("Lactation Support Program"\)](#)
- [UAP 3110 \("Reasonable Accommodation for, Job Applicants, and Participants with Disabilities"\)](#)
- [UNM Student](#) and [Visitor](#) Codes of Conduct

### 17.2. Resources and Contacts

- [Accessibility Resource Center \(ARC\)](#)
- [Campus Police \(UNMPD\)](#)
- [Center for Academic Program Support \(CAPS\)](#)
- [Counseling, Assistance, and Referral Service \(CARS\)](#)
- [Dean of Students](#)
- [CEEODiscrimination Grievance Procedure](#)
- [Division for Equity and Inclusion](#)



- [Global Education Office](#)
- [LGBTQ Resource Center](#)
- [LoboRESPECT Advocacy](#)
- [Office of Compliance, Ethics & Equal Opportunity](#) (CEEO)
- [Office of the Registrar](#)
- [Ombuds Services](#)
- [Student, Health, and Counseling](#) (SHAC)
- [Women's Resource Center](#)

### **17.3. Applicable Laws**

- The Equal Pay Act of 1963
- Titles IV, VI, and VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- The Rehabilitation Act of 1973 (Sections 503 and 504)
- The Vietnam Era Veterans Readjustment Assistance Act (1974)
- Age Discrimination Act (1975)
- Pregnancy Discrimination Act (1978)
- The Americans with Disabilities Act (ADA) of 1990; Amendments Act of 2008
- ~~Executive Order 11246~~
- Uniform Services Employment and Reemployment Act (1994)
- Violence Against Women Act of 1994
- Violence Against Women Reauthorization Act of 2013
- The New Mexico Human Rights Act