

UNIVERSITY OF NEW MEXICO EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT



Compliance with the Spirit of the Law

It is the University's policy not only to comply with the letter of the laws and regulations of federal and state governments, but to practice the true spirit of equal opportunity.

Policy Statements: The following statements reflect UNM's policies regarding: ❶ Equal Opportunity and Affirmative Action (EEO/AA) ❷ Sexual Harassment, and ❸ Persons with Disabilities and Veterans.

Purpose

These policy statements reaffirm the University's commitment to the principles of our civil rights policies and engage the support of all members of the campus community in fully implementing our policies.

❶ EEO/AA

EEO Policy

Optimum use of all available human resources is the ultimate objective towards which we continue to strive. UNM will continue to conduct employment activities in accordance with University policy, federal and state EEO laws and regulation without regard to:

- ◆ race
- ◆ color
- ◆ national origin, ancestry
- ◆ religion
- ◆ sex
- ◆ sexual orientation or gender identity
- ◆ age
- ◆ physical or mental disabilities or medical conditions
- ◆ pregnancy
- ◆ spousal affiliation

EEO Areas of Application

UNM's EEO policies apply to all employment activities including the following activities:

- ◆ recruiting and compensation
- ◆ benefits and services
- ◆ training
- ◆ advancement
- ◆ promotion
- ◆ transfer
- ◆ termination

We ensure that employment, employee selection, and promotion decisions are in accordance with the principles of equal opportunity by imposing only valid job related requirements.

AA Definition

Affirmative Action is taking positive steps to hire and promote qualified persons in protected groups to achieve a representation at UNM equal to their presence in the applicable workforce.

AA Commitment

UNM will continue to concentrate on hiring, retaining, advancing and promoting qualified persons in protected groups into higher job classifications, supervision, and management.

EEO Complaints

It is the policy of UNM to endeavor to handle internally any employment or work-related complaint alleging unlawful employment acts or practices. Any employee who has an EEO-related complaint should:

- ◆ discuss the matter with their immediate supervisor or
- ◆ contact staff in the Office of Equal Opportunity (OEO) (609 Buena Vista, NE 505-277-5251)

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

Responsibility

Employees – It is expected all employees will foster a work environment that is free from discrimination and is supportive of employees from protected classes and to allow all employees to reach their full potential.

Supervisors – It is expected all supervisors will be familiar with the Affirmative Action Plan (AAP), to discuss it with their employees, and to take an active, positive role in fulfilling our EEO commitment.

The President, Executive VP for Administration, Provost, Executive VP for Academic Affairs, and the Executive VP for Health Sciences – are expected to take the lead in implementing UNM's AAP.

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

Retaliation

It is the policy of UNM to foster an environment where employees feel comfortable raising civil rights issues and complaints. It is contrary to University policy, state and federal civil rights laws to retaliate against any person and/or employee for asserting their civil rights such as filing a charge of discrimination or participating in an investigation. This provision includes any witness who provides information during an Office of Equal Opportunity investigation.

❷ SEXUAL HARASSMENT

Definition

Sexual harassment is a sexual behavior, which is unwelcome by the recipient. Unwelcome sexual advances, requests for sexual favors, and/or other physical conduct of a sexual nature constitutes sexual harassment and violates federal law when:

- ◆ a job or educational decision is made based upon your response to demands for sexual favors.
- ◆ a job or educational environment is sexually offensive, hostile or intimidating and this unreasonably interferes with your work or student performance.

The following behavior by supervisory employees also constitutes sexual harassment:

- ◆ failure to take corrective action when he/she knows, or reasonably should have known that an individual under his/her supervision is being subjected to sexual harassment.

Sexual harassment which will not be tolerated includes but is not limited to:

- ◆ written: suggestive or obscene letters, notes, invitations.
- ◆ verbal: derogatory comments, epithets, slurs or jokes.
- ◆ physical: impeding or blocking movements, touching, or any physical interference with normal work.
- ◆ visual: sexually oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (The situation in which visually sexual pictures are displayed will be evaluated for appropriateness; e.g., art displayed in museums versus a centerfold in office setting).
- ◆ other: threats or insinuations that lack of sexual favors will result in reprisal, withholding support for appointment, promotions, or transfer, change of assignment, or poor performance review.

Sexual Harassment Complaints

If you feel you are being harassed, are aware of or suspect the occurrence of sexual harassment, or desire counseling on coping with potential harassment, you should immediately contact a supervisor or a member of OEO staff (609 Buena Vista, NE, 277-5251). Because of the sensitivity of this issue, the matter will be quickly and confidentially investigated to determine if sexual harassment has occurred. All investigations will be designed to protect the privacy and rights of all concerned parties. When an investigation confirms a complaint, the person will be subject to appropriate sanctions commensurate with the severity of their actions. Given the nature of this type of discrimination, UNM recognizes that false accusations can have serious effects on innocent persons.

❸ DISABLED/VETERANS

Policy on Persons with Disabilities and Veterans

UNM's policy of equal employment opportunity and affirmative action for protected groups for all its employees and applicants includes the commitment to full compliance with:

- ◆ Americans with Disabilities Act of 1990 (ADA)
- ◆ Rehabilitation Act of 1973, as amended
- ◆ Vietnam Era Veterans Readjustment Assistance Act of 1974 (Revised)
- ◆ Uniformed Services Employment and Reemployment Right Act (USERRA)

We will foster a general understanding of and sensitivity to the problems of persons with disabilities to provide meaningful employment and advancement opportunities.

Individuals Covered by the Acts

The ADA and Rehabilitation Act protects qualified individuals with disabilities in their efforts to secure, retain, or advance in employment, whether or not they have previously been identified as disabled. The Readjustment Assistance Act requires that UNM take affirmative action to employ qualified special disabled veterans and veterans of the Vietnam Era. The Uniformed Services Employment and Reemployment Rights Act provides for reemployment rights for any member of the armed services and prohibits discrimination and retaliation against any member regarding initial employment, reemployment, retention in employment, promotion or any benefit of employment.

How to Receive Consideration

Employees and applicants who believe themselves covered by these laws and who wish to receive consideration under our affirmative action program are invited, at their own discretion, to identify themselves as disabled or a veteran through their:

- ◆ supervisors, Human Resource representatives, or the OEO staff.

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 any employee or applicant to adverse treatment. Employees and applicants are also protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Acts.

Assured Success

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

COMMITMENT AND SUPPORT

Overall administration and monitoring of the program has been delegated to the Office of Equal Opportunity (OEO). The OEO office is located at 609 Buena Vista NE, 505-277-5251.

The University of New Mexico administration is committed to the full implementation of all aspects of this policy. We ask that each of you join us in this commitment and that we work together to ensure a positive and productive environment for all University campuses.