

**The University of New Mexico  
Board of Regents' Policy Manual**

## **2.3 Subject: EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION FOR EMPLOYEES AND STUDENTS**

**Adopted: September 12, 1996**

### **Applicability**

This policy applies to recruitment, admission, extracurricular activities, housing, facilities, access to course offerings, counseling and testing, financial assistance, employment, health and insurance services, and athletic programs for students. This policy also applies to the recruitment, hiring, training, and promotion of University employees (faculty and staff), and to all other terms and conditions of employment.

### **Policy**

#### *1. Equal Employment Opportunity*

University policy, state and federal law and regulations forbid unlawful discrimination on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, or medical condition, in recruiting, hiring, training, promoting, and all other terms and conditions of employment. All personnel policies, such as compensation, benefits, transfers, layoffs, terminations, returns from layoff, University-sponsored training, education, tuition assistance, social, and recreation programs will be administered without regard to the characteristics or conditions listed above, except when one of these is a bona fide occupational qualification. The University strives to establish procedures which assure equal treatment and access to all programs, facilities and services.

#### *2. Equal Educational Opportunity*

The University of New Mexico is committed to providing equal educational opportunity and forbids unlawful discrimination on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, or medical condition. Equal educational opportunity includes: admission, recruitment, extracurricular programs and activities, housing, health and insurance services and athletics. In keeping with this policy of equal educational opportunity, the University is committed to creating and maintaining an atmosphere free from all forms of harassment.

#### *3. Affirmative Action*

Further, the University of New Mexico commits itself to a program of affirmative action to increase access by, and participation of, traditionally underrepresented groups in the University's education programs and work force. It is the policy of the University in the case where a vacant position falls within a job group which is determined to have underutilization, that the hiring official give preference for selection to a finalist who is a member of the underutilized group, provided his/her qualifications and past performance are substantially equal to other finalists.

#### *4. Reasonable Accommodation Policy*

The University makes reasonable accommodations to the religious observances/national origin practices of a student, an employee or prospective employee, and to the known physical or mental limitations of a qualified student, employee, applicant or program user with a disability, unless such accommodations have the end result of fundamentally altering a program or service or placing an undue hardship on the operation of the University. Qualified students, employees or program users with disabilities should contact the Office of Equal Opportunity Programs or the Office of Disabled Student Services for information regarding accommodations.

#### *5. Anti-Harassment Policy*

It is the policy of the institution to prevent and eliminate forms of unlawful harassment in employment and

educational settings. The University prohibits harassment of employees by supervisors or co-workers and harassment of students on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, medical condition, or other protected status. The University makes special efforts to eliminate both overt and subtle forms of sexual harassment.

### **Implementation**

The President will develop administrative policies and procedures to implement this policy. The President shall establish an affirmative action plan and procedures which will ensure increased access and participation in recruitment, hiring, training, promotion, and other employment-related activities. The President shall establish grievance procedures for resolving allegations of discriminatory treatment or harassment against employees and students. Retaliation against any individual for bringing a complaint or participating in an investigation or hearing is strictly forbidden.

### **References**

Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; New Mexico Human Rights Act, § 28-1-1 *et seq.*, NMSA 1978; Americans with Disabilities Act; Executive Order 12,246 *Guidelines on Affirmative Action Programs from the Federal Equal Employment Opportunity Commission and the Office for Civil Rights*; Dispute Resolution Policy, [UBPPM Policy 3220](#); Sexual Harassment, [RPM 2.5](#).

Comments should be sent to [BRPM@UNM.edu](mailto:BRPM@UNM.edu)

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