

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

<YI] Gja\_d Ydth Akkrj \ 2(1%/11)

J ] rnk] \ 2) \*% +% 11) \$( ) %- % (( / \$ (- % ) % ( ) , \$ (\*% . % ( ) O\$ ( O% ) , % (\* ( \$ ( O% ) % (\* ,

Authorized by RPM 2.3 ("Equal Opportunity and Affirmative Action for Employees and Students")

Process Owner: Director of Equal Opportunity

Note: This policy was formerly numbered UAP 3100.

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 8 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 accommodations, 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 University of New Mexico is committed to ensuring that University programs and activities are accessible to individuals who, as a result of national origin, are limited in English proficiency (LEP). Consistent with the requirements of Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the University seeks to provide appropriate translation and interpretation services for persons with limited English proficiency.

The Office of Compliance, Ethics & Equal Opportunity (CEEEO) is the independent, impartial, and neutral campus entity designated to investigate issues 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 their employers' policies and procedures, or to these policies and procedures where their employer has agreed to be bound through their contracts.

UNM reserves the right to address conduct which may not meet the ~~the~~ ~~me~~\*a







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](#).

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](#).

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 ~~reasonable accommodation~~ in the academic and/or work environments or University program or activity should contact CEEO.

Students, employees, and applicants should contact CEEO if assistance is needed. Please see





- Dismissal.

**KIY \*\***

Staff who are found to be in violation of this policy as it relates to an allegation of sexual assault, domestic violence, dating violence, or stalking may be subject to disciplinary action as provided in UAP 3215 ("Performance Improvement") including:

Allegations of civil rights or other retaliation should be reported to CEE0. 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.

Faculty Handbook Policy D176 ("Graduate Student Grievance Procedures")

Faculty Handbook Policy C260 ("Religious Accommodations")

UAP 2200 ("Whistleblower Protection and Reporting Suspected Misconduct and Retaliation")

UAP 2215 ("Consensual Relationships and Con\_\_\_\_\_").

