

### **40-4 Equal Employment Opportunity and Affirmative Action**

40-4-1 Purpose • 40-4-2 Policies • 40-4-3 Administration • 40-4-4 Reporting Concerns and Violations  
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1. **Purpose.** The purpose of this policy is to affirm Eastern New Mexico University System's (the System) commitment to ensuring equal employment practices and to taking affirmative action with respect to hiring qualified individuals from underrepresented groups. This policy outlines the responsibilities of the Affirmative Action Officer (AAO), all levels of management, and employees on each campus of the System in ensuring equal opportunity and affirmative action in employment matters.
2. **Policy.** The System's compliance with equal employment opportunity in all employment practices for all employees and applicants for employment at Eastern New Mexico University System and with Affirmative Action are outlined below.
  - A. The System ensures equal employment opportunity for all employees and applicants for employment at the System.

In accordance with applicable federal and state law, the System does not engage in employment discrimination against any employee of applicant for employment on the basis of race, color, age, religion, national origin, ancestry, sex, physical or mental handicap, serious medical condition, sexual orientation or gender identity.

The System ensures nondiscrimination in employment matters pursuant to the following federal and state laws: Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, as amended, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, and the New Mexico Human Rights Act.

In addition, the System takes affirmative action to employ and advance in employment qualified women, people of color, individuals with disabilities, and veterans. The System takes affirmative action under the following federal laws and regulations: the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended and Section 503 of the Rehabilitation Act of 1973, as amended.

- B. **Reasonable Accommodation.** The System shall make reasonable accommodations for the religious observances/national origin practices of a student, an employee or prospective employee and for the significant physical and mental limitations of a student, employee or applicant unless such accommodations have the end result of placing an undue hardship on the operation of the System.

### **General Procedures**

3. **Administration.** In order to ensure compliance with the federal laws and regulations cited above and the success of Eastern New Mexico University System's affirmative action programs, the System chancellor will:

- A. Assign responsibility and accountability for their campus's affirmative action program to an individual who possesses the necessary authority, resources and the support of and access to top management. The individual, hereinafter the Affirmative Action Officer (AAO), will be responsible for:
1. Developing, implementing, and updating on an annual basis a written Affirmative Action Plan (AAP) that outlines the steps that campuses will take and have taken to ensure equal employment opportunity in the employment process. The Portales, Roswell and Ruidoso campuses share an AAP.
  2. Setting affirmative action goals for the campus and monitoring the progress made toward achieving those goals.
  3. Advising all levels of management (including division heads, deans, faculty chairs, department directors, and other employees with supervisory responsibilities) about affirmative action goals set in their areas and collaborating with management to develop action-oriented initiatives to meet those affirmative action goals.
  4. Maintaining awareness of and ensuring compliance with this policy and any related System and campus policy, by faculty and staff.
  5. Reviewing and providing guidance on employment processes, including but not limited to recruitment, selection, promotion, separation, and compensation practices, to ensure equal access is afforded to all qualified individuals.
  6. Serving as liaison to and handling audits by federal enforcement agencies.
  7. Acting as a campus resource and educator on affirmative action issues.
- B. Ensure that all levels of management at each campus:
1. Inform their employees of the existence of this policy and any related campus policies, and affirm their commitment to the System's goal of creating and maintaining a diverse workforce at each of its locations.
  2. Make employment decisions that are consistent with this policy and any related campus policies.
  3. Work with their Affirmative Action Officer (AAO) to learn about any affirmative action goals that have been set in their area and assist the Affirmative Action Officer in implementing action-oriented initiatives to meet those goals.
  4. Educate and encourage employees to bring protected class discrimination, harassment, equal employment opportunity, and affirmative action concerns to the attention of management and the individual or office at each campus charged with investigating and/or resolving complaints of this nature, and ensure that no individual is subject to retaliation for bringing such concerns forward.
- C. Ensure that all employees at each campus:

1. Are aware of this policy and any related campus policies, and affirm their commitment to the System's goal of creating and maintaining a diverse workforce at each of its locations.
  2. Bring protected class discrimination, harassment, equal employment opportunity, and affirmative action concerns to the attention of management and the individual or office at each campus charged with investigating and/or resolving complaints of this nature.
- 4. Reporting Concerns and Violations.** System policies allow for initial reporting of equal opportunity concerns and violations in any of the following ways.
- A. Report the concern or violation to the immediate supervisor.
  - B. If the immediate supervisor is involved, report the concern to a senior administrator.
  - D. Concerns about hiring or promotion issues or salary equity relating to those actions, contact the AAO. System employees and students employed by the System with concerns about harassment on the job from a supervisor, co-worker or any other System employee, or with any other employment issue should contact the Office of Human Resources (HR).
  - E. If the concern involves the System's providing reasonable accommodation [section 2(B) above], employees should report the concern to HR. Students should report the concern to the coordinator of Accessibility Resources.
- 5. Grievance Procedures.** Grievance procedures are in place for resolving allegations of discriminatory treatment against either employees or students. Copies or summaries of procedures are included in constituency handbooks and policy 40-12, Complaints and Grievances.

Amended policy approved by Board of Regents March 27, 2015.

Amendments approved by Board of Regents, October 12, 2018