

## Equal Opportunity, Non-Discrimination & Affirmative Action at Western New Mexico University

Western New Mexico University abides by all federal and state laws related to civil rights and shall abide by the requirements of 41 CFR §§ 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that we take affirmative action to employ, and advance in employment, individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.

### Equal Opportunity & Affirmative Action (EO/AA)

WNMU conducts employment and education activities in accordance with University policy, federal and state EEO laws and regulations. It is illegal to discriminate against someone on the basis of:

- Race, ethnicity
- Color
- Age (over 40)
- Religion
- Sex/Gender
- National origin/ancestry
- Physical or mental disabilities or medical conditions
- Sexual orientation
- Spousal affiliation
- Gender identity
- Veteran Status
- Genetic Information
- Pregnancy

Western New Mexico University recognizes its responsibility to extend equal employment and educational opportunities to all qualified individuals. The University has a responsibility to its students and to the citizens of the state to actively recruit, hire and retain the best qualified persons possible, and to do so in the context of our commitment to affirmative action principles.

Further, the University commits itself to a program of affirmative action to increase access by, and participation of, traditionally underrepresented groups. The Office of Diversity & Compliance provides guidance and assistance to University leadership in meeting its affirmative action responsibilities, including monitoring employment activity for staff and faculty at the University.

**Non-Discrimination** WNMU strives to establish procedures which assure equal treatment and access to all programs, facilities and services. In keeping with this policy of equal opportunity, the University is committed to creating and maintaining an atmosphere free from all forms of discrimination and harassment.

### Responsibility

**Students** – It is expected that all students will abide by the Student Code of Conduct which prohibits discrimination and harassment of fellow students, staff and faculty.

**Supervisors/Executive Leadership** – It is expected that all university leaders will be familiar with EO/AA policies and AA Plan and obligations. It is expected that they discuss policies and requirements with their employees, and to take an active, positive role in fulfilling our EEO commitment.

### Sexual Harassment and Sexual Assault

Sexual harassment, a form of sex discrimination, is defined as unwelcome conduct of a sexual nature. Conduct of a sexual nature becomes a violation of university policy when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

### Examples of Sexual Harassment

- Suggestive or obscene letters, notes, invitations
- Electronic communications, such as email, text messaging and internet use, that are sexual in nature
- Unwelcome sexual jokes or comments (including favorable comments about someone's gender, body or appearance)
- Impeding or blocking movements, touching, or any physical interference or stalking
- Sexually-oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters.
- Threats or insinuations that refusal to provide sexual favors will result in reprisals, withholding support for appointments, recommendations, promotions or transfers, change of assignments or poor reviews or grades.

- Sexual and/or gendered violence including, but not limited to, rape, sexual assault, battery and sexual coercion.

**Reporting Responsibility** WNMU faculty, administrators and supervisors who witness and/or receive a written or oral report or complaint of sex discrimination and/or sexual harassment or sexual violence are required to engage in appropriate measures to prevent violations of this policy and promptly notify the Director of Diversity & Compliance.

### Protected Veterans & Individuals with Disabilities

An individual is considered to have a disability if they:

- Have a physical or mental impairment that substantially limits one or more major life activities of such individual, such as walking, breathing, eating, seeing, communicating, working, etc.;
- Have a record of such an impairment; or
- Are being regarded as having such an impairment

Protected veterans are those who are:

- Disabled veterans;
- Recently separated veterans;
- Active duty wartime or campaign badge veterans, and
- Armed forces Service Medal veterans

### How to Receive Consideration

Students, employees and applicants who believe themselves covered by these laws are invited, at their own discretion to identify themselves as disabled or as a veteran through:

The WNMU Employment Application Voluntary Self-Identification form; the office of Human Resources, or the office of Diversity & Compliance.

The information submitted will be considered confidential and will be used only as required to meet the provision of the Acts. Refusal to provide the information will not subject anyone to adverse treatment. Students, employees and applicants are also protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation.

### Requesting an Accommodation

The University shall make reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless the University can show that providing an accommodation would impose an undue hardship or would fundamentally alter the nature of a class or academic program. The Director of Diversity & Compliance serves as the ADA Coordinator for the University.

### Discrimination Complaints

It is the policy of the University to endeavor to handle internally any complaint alleging discrimination or harassment. Anyone who has an EEO-related complaint can report it to:

- The Office of Diversity & Compliance
- The Dean of Students
- Human Resources
- Ombudsperson
- Supervisor or Manager

The Office of Diversity & Compliance will inform complainants of their rights and available options to determine if an investigation is necessary, conduct the investigation if warranted, and issue a written determination of the charge. All charges of discrimination will be handled in a confidential manner. Information submitted will only be used as necessary to fully investigate the charge.

### Retaliation

It is contrary to WNMU policy, and state and federal civil rights laws to retaliate against anyone for asserting their civil rights. This provision includes any witness who provides information during an EEO/AA investigation.

### For more information

If you have any questions or would like more information on any of these topics and the policies which govern them, please contact the Office of Diversity & Compliance.