

Grievance of Disciplinary Actions: Disciplinary actions imposed for violations of this policy may be grieved or appealed by the individual who is disciplined pursuant to existing university policies and procedures.

For Assistance: Questions regarding this policy should be directed to the director of human resource services.

3.25 Discrimination/Equal Employment Opportunity and Affirmative Action (See Chapter 4 Human Resources – General Policies – Appeals, Discrimination) [edited from Personnel 7-1, AP&P 247]

New Mexico State University is dedicated to providing equal employment opportunities in all areas of occupation without regard to age, ancestry, color, mental or physical disability, gender, serious medical condition, national origin, race, religion, sexual orientation, gender identity, spousal affiliation, or veteran status, according to state and federal laws. This dedication extends to recruiting and hiring, promotion, and other personnel actions such as compensation, benefits, transfers, layoffs, terminations, training, education, tuition assistance, social and recreational programs. NMSU's comprehensive affirmative action program supports this effort. A listing of applicable state and federal laws includes the following:

- Age Discrimination in Employment Act of 1975
- Americans With Disabilities Act of 1990
- Civil Rights Act of 1991
- Education Amendments of 1972, Title IX
- Executive Order 11141
- Executive Order 11246
- Equal Pay Act of 1963
- New Mexico Human Rights Act
- Pregnancy Act of 1978
- Section 504 of the Rehabilitation Act of 1973
- Titles VI and VII, Civil Rights Act of 1964
- Vietnam Era Veterans Readjustment Act of 1974

While employees are encouraged to resolve personnel issues through discussion with the immediate supervisor(s), employees may contact the Institutional Equity/EEO director for consultation on discrimination matters at any time. If resolution is not attained, a formal or informal grievance may be filed with the Institutional Equity/EEO Office. Employees shall be free to discuss matters with the Institutional Equity/EEO director and file grievances without fear of reprisal.

Hostile Work/Academic Environment: A student or employee may file a claim based on offensive conduct or behavior that is sufficiently severe and/or pervasive to create a hostile work or academic-related environment. Non-discriminatory hostile environment issues are regarded management matters under the purview of the appropriate administrator.

Discrimination-Based Harassment: The university prohibits any unlawful practice of harassment in work or academic environments based on an individual's age, ancestry, color, mental or physical disability, gender, serious medical condition, national origin, race, religion, sexual orientation, gender identity, spousal affiliation, or veteran status. Any supervisor who engages in or condones any harassment of an employee/student based on discrimination will be sanctioned accordingly. All discrimination-based harassment, including third-party complaints, must be reported to the Institutional Equity/EEO Office immediately.

Retaliation: The university prohibits any unlawful practice regarded as retribution or intimidation against any university employee or student who has in good faith: (a) opposed any discriminatory or

employment practice covered by university policies/procedures or state/federal laws; (b) filed a complaint of discrimination or grievance with the Institutional Equity/EEO Office or external state/federal agency with statutory jurisdiction over discrimination filings; (c) reported a discriminatory matter to a supervisor; or, (d) testified, assisted with, or participated in an investigation, proceeding, or hearing protected under same. Such retaliation in and of itself may result in disciplinary action, up to and including termination.

Grievances: Any person with a complaint of harassment or discrimination should, whenever possible, first indicate to the person or persons engaging in the inappropriate conduct that the conduct is unwelcome. If the inappropriate behavior persists, the aggrieved should either report the complaint to the appropriate supervisor or the Institutional Equity/EEO director. All discrimination complaints made to a person in a position of authority must be reported immediately to the Institutional Equity/EEO director regardless of whether or not permission was given by the complaining party. Discrimination grievances are to be filed within 15 working days of occurrence, unless extenuating circumstances warrant exception. All employees and students should be aware that the university is prepared to take action in a timely manner to prevent and remedy such behavior, and that individuals who engage in such behavior are subject to disciplinary action. All individuals are required to cooperate with any investigation in response to an allegation of harassment. Refusal to cooperate in an investigation may result in disciplinary action in accordance with university policy. Any disciplinary action may be appealed through the appropriate procedure. To the extent possible, every effort will be made to safeguard confidentiality, consistent with reporting obligations and the need to investigate promptly and thoroughly. Individuals should contact the following offices for clarification or assistance:

EEO:	(575) 646-3635	Fax: (575) 646-2182	TDD: (575) 646-7802
ADA:	(575) 646-3333	Fax: (575) 646-2182	TDD: (575) 646-7802
Affirmative Action:	(575) 646-2420	Fax: (575) 646-2806	TDD: (575) 646-7826

With the commitment of us all, we will continue to make progress toward the university's goal of including qualified minorities, women, and persons with disabilities at every level of responsibility and endeavor in the university.

3.30 Disability Accommodation (See Chapter 4 – Human Resources – General – Appeals, Disability) [edited from Personnel 8-13, and AP&P 131, 242]

The university is dedicated to providing reasonable accommodation to qualified university employees and applicants for positions in accordance with state and federal laws. Qualified individuals with disabilities are protected from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. Accessibility to buildings, programs, and services will also be safeguarded to the extent that an undue financial hardship is not imposed on the university. The accommodation process begins when an employee (or applicant) discloses a disability and requests specific accommodation(s). Under normal circumstances, requests for accommodation(s) are considered after the employee completes and processes the Petition for Accommodation Form available at the Institutional Equity/EEO Office.

3.31 Distribution of Effort [verbatim from BR 43]

There are competing demands on the energies of a faculty member (for instance, research, teaching, committee work, outside consulting). The way in which a faculty member divides effort among these various functions does not raise ethical questions unless the university or government, industrial, or business agency supporting the research is misled in its understanding of the amount of intellectual effort actually devoted to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions