

I. WNMU BOARD OF REGENTS AFFIRMATIVE ACTION STATEMENT, POLICY AND RESOLUTION

A. AFFIRMATIVE ACTION STATEMENT - EXECUTIVE ORDER 11246

The following statement sets forth the commitment of Western New Mexico University to nondiscriminatory hiring and personnel procedures and the steps by which that commitment is being implemented.

The law of the land holds that “no person in the United States, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (Sec. 601, Title VI, P.L. 88-352, Civil Rights Act of 1964.)

Pursuant to this legislation, Executive Order 11246, dated September 24, 1964, required that a contractor with the government agrees that he/she “will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, and that he/she will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin.”

The NM Human Rights Act prohibits discrimination in all employment areas on the basis of race, age, religion, color, ancestry, sex, physical or mental handicap. Sexual discrimination includes sexual harassment on the basis of pregnancy, childbirth, or other related medical conditions (these conditions are treated the same as any other injury, illness or disability) and marital status (any rules restricting persons because of their marital status which do not apply equally to the opposite sex with the same status). The act also prohibits employers from engaging in any form of threats, reprisal or discrimination against any person who has opposed any unlawful discriminatory practice or has filed a complaint, testified or participated in any proceeding under the Human Rights Act. These prohibitions and definitions are an integral part of the university policy on Equal Employment Opportunity and Affirmative Action.

These principles are supported by the Board of Regents Affirmative Action Policy and Affirmative Action Resolution.

B. AFFIRMATIVE ACTION POLICY

The Regents of Western New Mexico University pledge full support and commitment to equal employment opportunity in recruiting, hiring, training and promoting without regard to race, color, religion, sex, age, sexual orientation, national origin or ancestry, disability, medical condition and disabled veteran or Vietnam era veterans, except when one of these criteria is a bona fide qualification for employment. The University will make every effort to provide reasonable accommodations to otherwise qualified disabled employees and/or applicants as are necessary to enable him or her to perform the essential functions of the job in question and which do not impose an undue hardship on the University.

The University will abide by the provisions of Title VII of the U.S. Civil Rights Act of 1964, and the New Mexico Human Rights Act, and is committed to non-discrimination based on race, color, religion, sex, age, sexual orientation, national origin or ancestry, disability, medical condition, and disabled veteran or Vietnam era veterans. The University will implement its commitment as specified in this plan, by seeking to recruit and hire qualified minority or female applicants for professional, staff, and faculty positions, so long as the hiring decision is made on the basis of the best qualified applicant.

The University will make reasonable accommodation to the religious practices and observances of all its employees. Such accommodations will include provisions to allow individuals to participate in regularly observed religious holidays which may conflict with their normal work schedules as long as such accommodation does not interfere with or disrupt Western New Mexico University programs or operations.

Western New Mexico University will not discriminate against employees or applicants for employment based on age, as required by the Federal Age Discrimination in Employment Act, and the New Mexico Human Rights Act.

The University will not tolerate conduct which results in discriminatory treatment of any employee because of race, color, religion, sex, age, sexual orientation, national origin or ancestry, disability, medical condition, and disabled veteran or Vietnam era veterans, or retaliation against employees who exercise their rights under the affirmative action plan or laws upon which it is based. All University personnel should be aware that such conduct might result in disciplinary action. The University urges those who believe they are victims of such conduct to pursue the matter via affirmative action grievance procedures.

In accordance with the provisions of Title VII of the U.S. Civil Rights Act of 1964, the University will recruit employees of both sexes for all jobs. The University will make no distinction based upon gender in employment and applicants will have an equal opportunity to any available job for which he or she is qualified to perform, so long as gender does not constitute a bona fide occupational qualification.

The University has appointed an officer for Affirmative Action and Equal Employment Opportunity Programs. The AA/EEO officer will report directly to the President of the University on AA/EEO matters and will be responsible for monitoring and reviewing the personnel actions and procedures to ensure that the Affirmative Action Programs and Equal Employment Opportunity policies and objectives are followed.

All employees at Western New Mexico University are encouraged to submit complaints, inquiries, or grievances to the Affirmative Action Officer. All such discussions shall remain confidential to the extent authorized by law.

C. RESOLUTION TO ENHANCE WESTERN NEW MEXICO UNIVERSITY'S COMMITMENT TO AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

WHEREAS, the Western New Mexico University Board of Regents approved the adoption of an Affirmative Action Plan for the University at its September 17, 1987 meeting; and

WHEREAS, the Affirmative Action Plan was last revised in June 1996; and

WHEREAS, recent developments in the law require that the Board of Regents redefine its commitment to equal employment opportunity and affirmative action; and

WHEREAS, the Western Interstate Commission on Higher Education has found that there is a critical need to recruit and retain minority students in higher education, and

WHEREAS, the Western Interstate Commission on Higher Education has concluded that, "Having role models in the classroom and in visible positions of leadership influences youth to pursue education and professional careers"; and

WHEREAS, the Board of Regents of Western New Mexico University acknowledges that a significant proportion of its student body is female or of minority origin; and

WHEREAS, the Board of Regents of Western New Mexico University recognizes the historical and cultural contributions made by individuals of diverse racial, ethnic and minority groups to Silver City, Grant County, the State of New Mexico and the American Southwest; and

WHEREAS, the Board of Regents of Western New Mexico University believe that ethnic and cultural diversity in its student body and work force will benefit the University and the community;

NOW, THEREFORE, WE, the Board of Regents of Western New Mexico University, pledge full support and commitment to equal employment opportunity in recruiting, hiring, training, and promoting without regard to race, color, religion, national origin, ancestry, disability, or medical condition, age, sex, or Vietnam era or disabled veteran status.

WE, the Board of Regents of Western New Mexico University, hereby resolve that the University will make every effort to establish pools for professional staff and faculty positions which contain members of minority groups and women with particular attention being paid to the under-representation of members of minority groups in the University work force.

FURTHER, WE, the Board of Regents of Western New Mexico University, hereby direct the Western New Mexico University Administration to seek to recruit and hire minority or female applicants for support and professional staff and faculty positions, so long as hiring decisions are made on the basis of the best qualified applicant.

II. SUPPORTING POLICIES, STATEMENTS, AND RESOLUTIONS

A. SEXUAL HARASSMENT POLICY

In recognition of the fact that sexual harassment is a form of discrimination Western New Mexico University is committed to maintaining an environment free of sexual discrimination for students, faculty, and staff of Western New Mexico University.

A. Definitions

1. Conduct of a Sexual Nature

Conduct of a sexual nature may include, but is not limited to, verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; sexually-oriented "kidding," "teasing," double-entendres, and jokes, and any harassing conduct to which an employee or student would not be subjected but for such employee's or student's sex.

2. Unwelcome Conduct of a Sexual Nature

- a. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee or student has indicated, by his or her conduct, that it is unwelcome.
- b. An employee or student who has initially welcomed such conduct must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

B. Sexual Harassment Prohibited

1. For the purposes of this policy, unwelcome sexual advances or requests for sexual favors, and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:

- a. submission to the conduct is made either an explicit condition of employment, or in the case of a student, academic advancement;
- b. submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- c. the conduct substantially interferes with an individual's work/academic performance, or creates an intimidating, hostile, or offensive work/academic environment.

2. Specific Prohibitions

a. Administrators and Supervisors

1. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
2. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

b. Faculty and University Staff

1. It is sexual harassment for a faculty member or university staff to use his or her status to solicit sexual favors or attention from students when the student's failure to submit will result in adverse treatment, or when the student's acquiescence will result in preferential treatment.

2. Faculty and university staff who either engage in sexual harassment or tolerate conduct shall be subject to sanctions as described below.
- c. Non-administrative and Non-supervisory Employees
 1. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.
3. Reporting, Investigation, and Sanctions
 - a. It is the duty of the University to attempt to eliminate all sexual harassment and therefore all persons with knowledge of sexual harassment are required to report incidents of sexual harassment. You may report sexual harassment using the Affirmative Action Grievance Procedure or by reporting to the President's Office, or to the office of the appropriate Vice President.
 1. Employees who feel that administrators, supervisors or faculty are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment or academic advancement upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of administration or supervision. In the case of students, the report shall be made to the department chair or the appropriate vice president.
 2. Individuals are also urged to report any unwelcome conduct of a sexual nature by supervisors, fellow employees or students if such conduct interferes with the individual's work/academic performance, or creates a hostile or offensive environment.
 3. Confidentiality will be maintained to the degree possible and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
 - b. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and context in which the alleged conduct occurred will be investigated. The Affirmative Action Officer has the responsibility of investigating and resolving complaints of sexual harassment.
 - c. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements.

B. DRUG FREE WORK PLACE POLICY

The Board of Regents of Western New Mexico University adopts this policy to implement the Drug Free Workplace Act of 1988, P. L. 100-690, 102 STAT, 4304 (1988) and the regulations promulgated pursuant thereto, 54 Fed. Reg. 4945 (1989).

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of Western New Mexico University, including but not limited to its campuses, grounds, facilities, vehicles, or at any activity held on University premises. If any employee of the University violates this policy, that individual will be immediately referred to the Director of Human Resources.

DEFINITION:

Western New Mexico University, hereafter referred to as “the University,” means the University campus, its off-campus center, and its associated activities.

Employee is any person hired by Western New Mexico University to work for wages or salary, including student employees.

Director of Human Resources will mean the Director of Human Resources of Western New Mexico University or his/her authorized representative.

RESPONSIBILITY:

The President of the University is responsible for the administration of the Drug-Free Workplace policy and program. The Director of Human Resources is designated by the President to administer this program for employees. The appropriate Vice President and the Director of Human Resources has the responsibility of working in conjunction with the Affirmative Action/EEO Officer upon notification received regarding employee conviction and/or recommended counseling. The Affirmative Action/EEO Officer is designated by the President to certify that applicable laws are being administered. The Director of Grants and Contracts is designated by the President to certify this program for University grants and contracts.

The President’s Executive Council is designated by the President to oversee the development and implementation of the Drug-Free Workplace policy and program. The Director of Human Resources, Affirmative Action/EEO Officer and Director of Grants and Contracts are delegated to assist in this process.

PROGRAMS:

The University establishes the following Drug-Free Workplace program.

1. The purpose of the program is to inform the University’s employees about:
 - a. The dangers of drug abuse at the University as a workplace;
 - b. The Board of Regents policy for maintaining a drug-free University environment;
 - c. The information on available drug counseling, rehabilitation, or employee assistance programs;
 - d. The appropriate disciplinary action and penalties that may be imposed for a drug abuse violation.
2. The program requires the Director of Human Resources to provide each employee with a copy of the policy.
3. The program requires each employee, as a condition of employment to:
 - a. Abide by the Board of Regents Drug-Free Workplace policy;
 - b. Notify the Director of Human Resources of any criminal drug status conviction for a violation occurring on the University premises no later than five days after conviction;
 - c. Sign a certification of awareness of the University Drug-Free Workplace policy and program.
4. The program requires the Director of Contracts and Grants to:

- a. Sign a certification of the University Drug-Free Workplace policy and program for all grant and contract proposals and agreements;
 - b. notify the appropriate federal contracting agency within ten days after receiving notice from an employee of a conviction of any criminal drug statute or of receiving annual notice of the conviction.
5. The Program requires the Director of Human Resources to take one of the following actions after receiving notice of any criminal drug statute conviction:
 - a. Appropriate disciplinary action according to established personnel policy and procedure up to and including dismissal; and/or
 - b. Requiring the employee to participate in an approved drug-abuse assistance or rehabilitation program.
 6. The program requires the University to make a good faith effort to continue to maintain a drug-free workplace through implementation of the policy and program.
 7. Independent contractors, when engaged in work for the University where its employees perform work on property owned by the University will abide by this policy. To enforce this policy the following statement will be added to the University contracts with independent contractors who have employees working on campus:

Contractor agrees that as to Contractor's employees that work on University property, Contractor will abide by the University's Drug Free Work Place policy found in the University's Regents Policy Manual.

Drug Free Workplace Resolution

WHEREAS Western New Mexico University is a recipient of federal grants and contracts in excess of \$25,000 and is subject to the provisions of the Drug-Free Workplace Act of 1988 and the special Drug-Free Workforce rules promulgated by the Department of Defense; and

WHEREAS the Board of Regents of Western New Mexico University is desirous of maintaining a safe and healthy work environment free from the influence of illegal drug usage;

THEREFORE, be it resolved that the Board of Regents of Western New Mexico University hereby directs the President of the University to institute and maintain a program that meets the requirements of the federal regulations and consistent with the purposes of the University to include the following actions:

1. Publish a policy statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibitions;
2. Provide all employees with a copy of the policy statement;
3. Notify employees that, as a condition of continued employment, the employee will abide by the policy and notify the employer if he or she is convicted of a criminal drug offense occurring in the workplace within five days after the conviction;
4. Notify the appropriate federal contracting officer of an employee conviction within ten days after the University learns of the conviction;
5. Within 30 days of receiving notice of a conviction, impose a sanction on the convicted employee up to and including termination, or require the employee to satisfactorily complete a drug rehabilitation program; and
6. Establish a program to inform employees of, among other things, the dangers of drug use in the workplace and the availability of drug counseling, rehabilitation, and employee assistance programs;
7. Make a good faith effort to continue to maintain a drug-free workplace.

Be it further resolved that the President will report back to the Board of Regents upon final implementation of the program outlined above.

C. POLICY ON RACISM

In keeping with the purposes of WNMU, it is the policy of Western New Mexico University not to discriminate on the basis of race, color, religion, ancestry, national origin, sex, age, sexual orientation, or mental or physical handicap in its educational programs, activities or employment policies.

Western New Mexico University encourages cultural diversity and respect for differences as a fundamental role of higher education and therefore, does not tolerate the subordination of a person or group based on race, color, creed, disability, marital status, national origin, sex or sexual orientation.

The University will take strong and effective steps to achieve a diverse learning environment and workplace respectful of differences. Clear, fair, and effective policies will be formulated and communicated to all members of the campus community, and the University will respond promptly and consistently to complaints about any acts that violate these policies.

D. LANGUAGE POLICY

Western New Mexico University strives to create a campus climate which values diversity among students, faculty, staff and administration. WNMU recognizes the importance of building a campus culture based on understanding and mutual respect for the many cultural differences that exist within the campus population, including differences in language.

WNMU is dedicated to encouraging a multicultural, multilingual environment. It is the policy of the University that any employee, student, or staff member may speak any language, or combination of languages, except when the speaking of a particular language is a business necessity. Interactions among faculty, staff, or students not directly related to the conduct of University business do not fall within the business necessity exception. Should it be determined that any University employee attempted to infringe on the rights of others to speak any language, or combination of languages, appropriate disciplinary action will be taken.

E. POLICY STATEMENT ON RETALIATION

The University will not tolerate retaliation against employees or applicants who exercise their rights under the affirmative action plan or laws upon which it is based. All University personnel should be aware that such conduct might result in disciplinary action.

The University urges those who feel they are victims of such conduct to pursue the matter via affirmative action grievance procedures.

F. POLICY ON UTILIZATION OF DISABLED/HANDICAPPED

In accordance with Section 504 of the Rehabilitation Act of 1973, the American's with Disabilities Act and the New Mexico Human Rights Act, the University will not discriminate in its employment practices against applicants or employees who have a physical or mental disability or medical condition. Placement will be commensurate with ability to perform essential functions on assigned work. The University will take affirmative action to employ, advance in employment and otherwise treat known qualified handicapped individuals without discrimination in all employment practices.

The University will provide the opportunity for all applicants and employees to identify themselves as disabled and the information will remain confidential.

The University will make reasonable accommodations to the physical and mental limitations of qualified disabled employees, providing such accommodations do not work an undue hardship on the University. Such accommodations include, but are not limited to, the abatement of architectural barriers in existing facilities and future construction, designated parking spaces, flex time work schedules and rest periods.

G. VIETNAM VETERAN AND DISABLED VETERANS ANTI-DISCRIMINATION STATEMENT

The University will comply with the provisions of Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974. The University will take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era.

H. GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION AND NATIONAL ORIGIN

In promoting and insuring equal employment opportunities for all persons employed or seeking employment, the University does not discriminate against any person because of religion or national origin. The Board's policy on equal employment opportunity is included in the Regent's Policy Manual. The Policy also guarantees that employees are not to be discriminated against on the basis of church affiliation or religious beliefs in selection or promotion. The University accommodates the religious observations and practices of prospective employees unless undue hardship results during the performance of University business.

I. SEX DISCRIMINATION GUIDELINES

WNMU's policy on equal employment opportunity relating to recruitment and advertising expressly indicated that there is no discrimination against employees based on sex or sexual orientation. All employment advertisements appearing in newspapers or special publications are placed under nondiscrimination headings. All University personnel activity is in compliance with the following guidelines:

1. Each applicant is evaluated on individual qualifications and ability to perform the work requirements of the job.
2. All qualified applicants regardless of sex are encouraged to apply for administrative, management and supervisory level positions.
3. All employees are advised of training opportunities and of the accessibility of all training programs including educational benefits.
4. Sex-based criteria are not permitted in determining salaries.
5. The University does not have an exclusionary policy regarding women with children.
6. There is no distinction or discrimination between married and unmarried employees of either sex.
7. The University has the same mandatory and optional retirement policies for men and women.
8. The University provides men and women the same employment opportunities, wages, hours, conditions of employment and employer contributions to insurance, pensions, welfare programs and other fringe benefit programs.
9. Women are not penalized in their condition of employment because of childbearing.
10. Following childbirth, a female employee who indicated intent to return to work within a reasonable time is reinstated to her position or a position of like status and pay without loss of service credits.
11. The University recruits and hires women for jobs from which they have traditionally been excluded.
12. Sexual harassment is prohibited by law and Board policy.

Individuals who feel their rights have been violated are urged to file a complaint with the Affirmative Action Officer. Any complaint may be filed directly with the Equal Employment Opportunity Commission at the address listed below. The complaint must be filed within 180 days of the date of the alleged discrimination, in writing, and explain who was discriminated against and by whom.

Equal Employment Opportunity Commission
505 Marquette NW, Suite 1105
Albuquerque, New Mexico 87102-2189

J. AFFIRMATIVE ACTION PROGRAM FOR DISABLED INDIVIDUALS, DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Under the affirmative action obligation imposed by Section 503 of the Rehabilitation Act of 1973 and section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Central Office practices affirmative action by employing and advancing in employment qualified disabled individuals and qualified special disabled veterans and veterans of the Vietnam Era at all levels of employment, including the executive level.

Such action applies to all employment practices, including but not limited to the following: hiring, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

1. The University makes reasonable accommodations to the limitations of members of both groups unless the accommodation creates an undue hardship on the Central Office.
2. In offering employment or promotions to disabled individuals or special disabled veterans and veterans of the Vietnam Era, the amount of compensation is not reduced because of any disability income, pension or other benefit the applicant or employee receives from another source.
3. Employment practices are reviewed to determine whether personnel programs provide the required affirmative action for employment and advancement of qualified members of both groups. Changes may be made in the outreach and recruitment activities based on the findings of the review.
 - a. Contractors, vendors and suppliers are notified of the University policy of nondiscrimination on the basis of handicap or veteran status and are requested to take appropriate affirmative action.
 - b. The University enlists the assistance of recruiting sources and community groups. A current list of the recruiting sources and community groups can be obtained from the Affirmative Action Office.
 - c. Copies of all vacancy announcements are distributed to the Statewide Department of Labor job bank office as well as to the university personnel offices for posting to employment opportunity bulletin boards, campus wide newsletters, various colleges, departments, and WNMU Web-Site.
4. Job Descriptions of all positions are available to members of management involved in recruitment screening, selection and promotion of applicants and employees. The total selection process is reviewed and monitored to ensure that the disabled and special disabled veterans and veterans of the Vietnam Era are not excluded or limited unfairly. Personnel involved in the recruitment, screening, selection, promotion, disciplinary and related processes are informed of the University's policy in order to carry out equal opportunity and affirmative action commitments.
5. Employee participation and cooperation is encouraged by implementing and disseminating the policy in this manner:
 1. Placing posters or notices of the University's nondiscrimination and affirmative action policy in prominent areas in the office; the notices include a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation.
 2. Distributing policy information to administrative and supervisory personnel annually.
 3. Discussing the policy in new employee orientation sessions and management training programs.
 4. The policy is included in the Regents' Policy Manual.
6. The Affirmative Action office reviews the selection process to ensure that members of neither group are unfairly excluded from job opportunities or promotions by advising the hiring managers.

III. RESPONSIBILITIES FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN

The President of Western New Mexico University is responsible for the implementation and administration of the WNMU Affirmative Action Program. The authority for implementing and administering the program is shared with the Vice Presidents and all management personnel of WNMU and is governed by the following guidelines:

1. The President, Vice Presidents and all management personnel recognize affirmative action and the advancement of women and minorities as a publicly stated personal and institutional commitment. Personal commitment is underscored to emphasize that control of the selection processes is the sole responsibility of the President, Vice Presidents and all management personnel and to assure that all available opportunities are considered in correcting any present under-utilization.
2. The President, Vice Presidents and all management personnel are responsible for conducting female and minority recruitment activities which include the development and enhancement of individual and community networks. All job searches must yield a diversified pool of qualified women and minority applicants that reflects, at minimum, their labor market availability as stated in the University's Affirmative Action Plan before closure.
3. The President, Vice Presidents and all management personnel are responsible for assuring that qualified women and minority candidates are interviewed and evaluated by search committees. If necessary, the President will take personal responsibility to assure that such interviews and evaluations take place and for the appointment of successful women and minority candidates to positions.
4. The President, Vice Presidents and all management personnel are fully responsible for understanding the Affirmative Action Plan requirements and participating fully in meeting the objectives outlined in the plan.

The authority for developing, monitoring and recommending improvements to the University equal opportunity and affirmative action program have been delegated to the Officer of Affirmative Action/Equal Employment Opportunity. These responsibilities include (but are not limited to):

- Developing and reviewing equal opportunity and affirmative action policies;
- Assisting the President, Vice Presidents and Management Officials in the identification of problem areas and recommending solutions to these problems;
- Assisting the President, Vice Presidents and Management Officials by maintaining a personnel tracking system to report all equal opportunity and affirmative action activity;
- Evaluate the effectiveness of programs in place and to recommend action to attain program objectives;
- Serve as a liaison between WNMU and applicable Federal and State agencies, protected group organizations and community action groups; and
- Assisting the President, Vice Presidents and Management Officials to conduct active recruitment efforts to encourage qualified individuals to apply for vacant positions at the University.

All administrative and management staff share the responsibility of implementing the objectives outlined in the WNMU Affirmative Action Plan.

IV. DISSEMINATION OF POLICY

The Western New Mexico University will disseminate affirmative action policy in the following ways:

1. The Western New Mexico University Board of Regents Affirmative Action policy is included in the University's Policy Manual.
2. Meetings are conducted with supervisory personnel to re-affirm the intent of the policy and individual responsibility for its effective implementation. Recruiting sources are informed, verbally and in writing, of the University's Affirmative Action policy and program.
3. The policy is made an integral part of the employee orientation program.
4. The policy statement is prominently posted on bulletin boards where all applicants for employment and current employees may see it.
5. The University's policy on affirmative action is incorporated on all vacancy notices and advertising for the University.
6. Any advertising, handbooks or other similar publications shall include, whenever possible, pictures of minorities, women, handicapped and veteran employees.
7. University's Web Site.

V. WNMU HIRING, STAFF DISCIPLINARY POLICIES AND PROCEDURES, AND STAFF AND FACULTY GRIEVANCE PROCEDURES

A. WNMU HIRING PROCEDURES

1. HIRING POLICY STATEMENT

The process for screening and hiring candidates is adopted by the WNMU Administration pursuant to authority delegated by the WNMU Board of Regents to the University President to develop a personnel system which addresses the recruitment and selection of personnel. The screening and hiring process at WNMU is intended to address three important goals. First, this process is designed to assist in hiring the best-qualified individuals for available positions and to support WNMU's mission of excellence. Second, adherence to this process should insure that sufficient effort has been made to include members from diverse gender, cultural, racial and ethnic groups in the pool of applicants considered for interview for available positions. Third, a broad pool will allow the University to establish diversity within WNMU's staff as delineated in the WNMU Affirmative Action Plan and furnish positive and successful role models for WNMU students. Whenever it is practical and consistent with promoting the three goals listed here, the University should try to fill new positions and job vacancies by promotion or transfer of qualified and interested University employees.

2. STAFF HIRING PROCEDURE

General

Western New Mexico University is committed to ensuring equal employment opportunity, which means that all persons will be required to compete for positions on the basis of job-related criteria and qualifications. The process outlined in this policy is designed to assist in hiring the best-qualified individuals for available positions and to support WNMU's mission of excellence. Adherence to this process should ensure that sufficient effort has been made to include members from diverse gender, cultural, racial and ethnic groups in the pool of applicants considered for interview for available positions. A broad pool will allow the University to establish diversity within WNMU's Affirmative Action Plan and furnish positive and successful role models for WNMU students. Whenever it is practical and consistent with promoting the three goals listed here, the University should try to fill new positions through an internal screening process.

This policy describes the recruitment and hiring procedures, including advertising, interviewing, and selection for all University staff except when an internal screening is conducted. Recruitment and hiring procedures vary for Exempt and Non-Exempt employees. Exempt employees are paid on a salary basis and do not receive overtime. The majority of exempt employees serve in an executive, administrative or professional capacity. These exemptions are based on the specific job descriptions and duties of the employees involved. Non-exempt employees are paid on an hourly basis and receive overtime pay in accordance with University policy and applicable state and federal law.

The exempt and non-exempt status of each position will be determined by the Human Resources Director according to the FLSA. For all positions, the Human Resources Department with the hiring supervisor assumes the major responsibility for creating the applicant pool, screening applicants, and maintaining documentation of the process.

Objectives

The goal of the University's recruitment and hiring process is to achieve an excellent and balanced workforce with representation and participation from all of the diverse sectors of our society. The primary objectives of the process are:

- To attract and hire the best qualified candidates, matching the qualifications of the candidate to the needs and expectations of the hiring unit.
- To assure an expeditious placement of qualified candidates into vacant positions.
- To increase participation of qualified candidates from underrepresented groups in applicant pools.
- To ensure fair and equitable treatment of all candidates in the recruitment and hiring process.

Noncompetitive Hiring

The University uses a competitive recruitment and hiring process; however, from time-to-time there may be circumstances when a noncompetitive process is used to fill a position temporarily. Whenever a noncompetitive process is used to fill a position, the department must submit a Temporary Contract Request Form to the Human Resources (HR) Department. The Temporary Contract Request Form will be routed to HR upon the acquisition of all approval signatures (i.e. Department Supervisor, Division Vice President, Vice President of Business Affairs, and Grants Accountant when applicable). For temporary positions that require advertising, an Employment Requisition Form (ERF) must be sent to HR upon acquisition of all approval signatures. This process may be used for all temporary situations including Acting and Interim positions. An employee is considered to be in an acting position while temporarily filling a position where the regular incumbent is expected to return. An employee is considered to be in an interim position while filling a position for which a screening is to be conducted. The fringe benefits of regular employees that temporarily fill a position in acting or interim capacity will not be affected.

Temporary Services

The HR Department maintains a pool of temporary employees for many entry-level positions and is responsible for recruiting, interviewing, selecting and referring these employees when a vacancy exists that requires immediate assistance. To request temporary services, the hiring supervisor should send a completed Temporary Contract Request Form to HR for processing. The HR Department will send the hiring supervisor a list of qualified candidates from the pool. If the hiring supervisor and the Director of Human Resources are in agreement with the selected qualified candidate, the candidate may be referred directly to the department with the approval of the appropriate vice president. If the hiring supervisor knows of a qualified candidate he/she should refer that candidate to the Human Resources Department to complete an application. Temporary employees will normally work no longer than twelve (12) months. However, a contract may be extended with proper justification and approval.

Layoff Roster

A layoff occurs when the employee is involuntarily separated due to a department restructure or lack of funding for the position. Persons involuntarily separated will be placed on a roster maintained by HR and will be given first priority in filling any vacant position at the University of similar or lower classification to the position they held prior to layoff for a period of two (2) years. If there is more than one (1) individual on the layoff roster that satisfies the minimum requirements for the vacant position, eligible individuals will be considered in order of original date of hire.

Confidentiality of Employment Applications

All persons involved in the personnel recruitment process at WNMU shall keep confidential the identity of candidates for employment and the deliberations of those responsible for screening candidates, except as provided in this policy. This policy applies not only to those with a designated role in the screening process but also to any other employee of the University who may become aware of the identity of a candidate or the details of the deliberations. For purposes of this policy "candidates" shall include either applicants or nominees for positions at WNMU.

The identity and resume/vitae of a candidate shall be made public in response to a request and only when interviews have been scheduled between that candidate and the hiring supervisor or between the candidate and the screening committee members. Copies of the resume/vitae will be provided to the appropriate Vice President and the Screening Committee Chair. In cases where an open forum is scheduled, a brief biography of the candidates will be prepared by the screening committee chair and distributed to each department. For purposes of this policy the term "interviews" shall include meetings or discussions in which the hiring supervisor and the screening committee members participate, either at the same time or in a series, and shall include discussions by telephone.

All candidates who are invited for interviews, as defined herein, shall first be advised of this policy and shall be given the opportunity either to continue in the screening or to withdraw. The names and resumes/vitae of candidates who withdraw shall be kept confidential. All requests for the names of candidates for University employment shall be referred to the Human Resources Department. Under all circumstances, letters of reference, the deliberations of the screening committee, and other similar evaluative materials shall be kept confidential with respect to all candidates and shall be returned to HR upon selection and acceptance of the position by the candidate.

Recruitment – Exempt Positions

Exempt positions require a screening committee. All University employees are requested to participate as members of screening committees from time to time. Participation on screening committees is a vital component of duties and responsibilities for each University position and is considered to contribute to the good of the University community. The hiring authority shall recommend employees to serve on a screening committee. All proposed committees shall be reviewed for approval by the appropriate Vice President and the AA/EEO Officer. Each committee shall have a minimum of three members. An attempt will be made to include members of minority groups, women, or under-represented groups, and members from the department involved in the screening. Community or student members may also be included on screening committees as appropriate. Persons holding the following positions are exempt from participation on screening committees: Director of Human Resources, Internal Auditor, AA/EEO Officer, and the President. The AA/EEO Officer will meet with the screening committee.

To start the recruitment process, the hiring supervisor contacts Human Resources for an Employment Packet. The packet will contain the following forms where applicable: ERF; job description (for established positions), previously approved applicant grid, previously approved reference questions and interview questions; Interview Request Form; Contract Request Form; Checklist; Budget Revision Form; Recruitment and Hiring Policy and Procedures, and any other applicable information. If established questions need updating or are nonexistent, the screening committee should work with the hiring supervisor in creating new questions to be submitted for approval to the AA/EEO Officer. Any changes to the recommended screening committee list will be communicated in writing to HR by the AA/EEO Officer for inclusion in the job file.

Upon receipt of the ERF, Human Resources will prepare a draft copy of the advertisement and forward it with all support documentation to the AA/EEO Officer, the hiring supervisor, division Vice President, Grants Accountant when applicable, and the Vice President of Business Affairs. The vacancy announcement will identify the job, salary information, minimum educational and experience qualifications, application deadlines, and lists of required information to be included with the candidate's application, and how candidates may receive additional information related to the position. *Positions will be posted for a minimum of six (6) working days for both internal and external positions including posting on Western New Mexico University's job web site.*

Each announcement will include a statement of the University's commitment to equal employment opportunity. Positions may be advertised as anticipated vacancies if there is uncertainty about funding. The hiring supervisor will review for recommended changes and forward to the Division Vice President. The ad should be forwarded to the next reviewing entity as stated on the cover memo until all parties have made their recommendations. The ad should then be returned to HR. Advertisements containing extensive changes will be re-routed for final review. ERFs will be processed in the order received except when a critical need exists within a department as determined by the Human Resources Director. HR will be responsible for maintaining the job file, monitoring the progress of the hiring process for timeliness, and reporting to the President weekly on the status of each vacancy.

The AA/EEO Officer will be responsible for contacting the screening committee members and the hiring supervisor to arrange a mutually convenient time for orientation. The AA/EEO Officer will address the screening committee on EEO and Affirmative Action policies and laws. The HR Director will address the committee chair on the hiring policy.

Screening

HR prescreens applicants for minimum qualifications and forwards the qualified applicant files and roster to the AA/EEO Officer for a determination of an adequate applicant pool and utilization. The AA/EEO Officer returns the applications to HR for release to the hiring authority. Applicants will be notified by HR as to the status of their application. Applications of candidates not meeting the minimum qualifications as stated in the ad will not be released.

Testing

Departments may not test individuals unless the test has been validated as required by 41 Code of Federal Regulation #60-03 (i.e. content validity). Testing is defined as any verbal or pen and paper tests, such as composition or writing, and skill tests, such as typing or word processing. Departments may administer other test(s) only if validated and notice of intent to test including a copy of the test is filed in advance with the Department of Human Resources. Exceptions to this policy are confidential national standardized tests such as those used by a Police Department. HR can test candidates upon hiring supervisor's request. Composition of test should be appropriate to individual job description/classification.

Interviewing

HR will notify the screening committee chairperson when the applications of qualified candidates are ready to be released for review. Reference checks will be conducted by the Screening Committee. The hiring supervisor and appropriate VP may review the applications prior to submitting the approved Interview Request Form and the scheduling of the interviews. Once the screening committee has determined via the qualifications grid which candidates will be interviewed (usually three to five), they will notify HR by using the Interview Request Form (which requires the hiring supervisor and appropriate VP approval) supplied to them in the interview packet. HR will be given at least one week to schedule interviews with local candidates; two weeks for candidates that are not local. HR will then arrange the interviews with all involved parties. HR will distribute copies of the interview schedule. One copy will be sent to the screening committee chair. The chairperson will be responsible for sharing the information with other members of the committee. Telephone interviews will be conducted when it is deemed necessary by the screening committee and in agreement with the candidate (if offered to one candidate then it will be offered to all candidates).

The screening committee shall collectively interview those finalists who accept an invitation for an on-site interview. The hiring supervisor and/or appropriate vice president may observe the interview. Additional activities may include an independent interview with the hiring supervisor, Vice President or President, a campus tour and an open forum in which interested faculty, students, staff or community members may meet the candidates. If further reference checks are deemed necessary, the screening committee shall arrange to obtain such information and will be responsible for creating additional questions that must be approved by the AA/EEO Officer. The division vice president may conduct additional reference checks at their discretion. An exit interview will be conducted with each interviewee by the AA/EEO Officer. When the AA/EEO Officer is not available, exit interviews will take place with a designee. In the rare event that both of the above mentioned persons are unavailable, the candidate will be given an Exit Interview Form by the Director of HR to be mailed back to the AA/EEO Officer by the candidate.

Time Off for Interviews

Regular full-time employees are granted reasonable time off with pay to attend open forums or screening committee activities which have been scheduled during their regular work hours by the HR Department. Employees should notify their supervisors in advance of such interviews. If the needs of the department are such that time off cannot be granted at the time of the scheduled interview, the applicant's supervisor should notify HR to allow for other arrangements to be made.

Selecting the Successful Candidate

After the interview is completed, the screening committee shall identify in writing to the hiring supervisor the strengths and weaknesses of the candidates and identify any they consider unacceptable and the reasons for that decision. A copy of the strengths and weaknesses should be sent to the AA/EEO Officer and the appropriate vice president. Comments must be job-related and specific to the qualifications of the candidate compared to those required for the position. **The candidates should not be ranked.** All materials should be given to HR upon completion. The hiring supervisor can request to review interview notes, application materials, reference check information, and select the candidate that best matches the department's needs. The hiring supervisor should submit his recommendation for hire to the appropriate vice president and return all materials to HR once the candidate has accepted the position. After an offer has been extended and accepted, HR is responsible for contacting all unsuccessful candidates for the position in writing.

The Board of Regents selects the President. For all other positions, depending on the level of the position, the President or the appropriate Vice President will make the final hiring decision. Once a final selection has been approved, the vice president or designees will forward the decision in writing to the HR department.

Exceptions to this procedure are as follows:

The hiring of the President of the University is within the sole discretion of the Board of Regents. The Board will determine appropriate recruiting, advertising, and screening procedures, taking the business and Affirmative Action needs of the University into consideration and will hire the candidate for President that they believe is the most qualified candidate. Such hiring will be done in accordance with NMSA 1978 14-2-1 (1999).

The hiring of the Internal Auditor of the University is within the sole discretion of the Board of Regents. The Board will determine appropriate recruiting, advertising, and screening procedures, taking the business and Affirmative Action needs of the University into consideration and will hire the candidate that they believe is the most qualified candidate.

The hiring of the Vice-Presidents of the University, the AA/EEO Officer, Special Assistant to the President, the Executive Assistant to the President/Board of Regents, the Director of Public Information and Community Relations, and the Director of Alumni Affairs of the University is within the sole discretion of the President. The President will determine appropriate recruiting, advertising, and screening procedures, taking the business and Affirmative Action needs of the University into consideration and will hire the candidate for Vice President, AA/EEO Officer, Special Assistant to the President, Executive Assistant to the President/Board of Regents, Director of Public Information and Community Relations, and the Director of Alumni Affairs of the University that he/she believes is the most qualified.

The Job Offer

As soon as the contract request to hire has been approved by the appropriate vice president and received in HR, the hiring supervisor will be contacted by HR to make an official job offer and agree on a tentative starting date. Hiring departments must allow adequate time for document processing prior to a new employee start date. If the candidate does not accept the position, the hiring supervisor will contact HR to determine the appropriate course of action.

Contract Request

Upon receipt of an accepted offer, a Contract Request Form is to be completed by the hiring supervisor and sent to HR. The Human Resources Department will be responsible for generating the contract once the completed request is received in HR. HR will be given at least one week to process the contract prior to the employee's starting date.

Once the contract signed by the appropriate vice president has been received in HR, new employees will be notified to attend new employee orientation the first Thursday after their date of hire. **No employee is to work without a signed contract.** Verification of employability in the United States will be handled by the Department of Human Resources by completion of the I-9 Form. Employees not able to supply the proper documentation within three (3) working days from their start date will not be permitted to continue working. HR will contact the hiring supervisor if the employee has failed to supply the necessary documents.

New Employee Orientation

New employee orientation is scheduled each Thursday morning in the HR Department. New employees are required to attend orientation the first Thursday following their hire date unless a hardship exists. In that case, HR will arrange an alternate

orientation time with the employee. HR will advise the hiring supervisor of the date the new employee is scheduled for orientation. The hiring supervisor in turn notifies the new employee and provides time off to participate in the orientation program. As part of the orientation process, each new employee is briefed on certain University policies, completes benefit election forms, is given a job description and staff handbook, and is afforded the opportunity to participate in a question and answer session regarding policies and benefits. A list of attendees will be forwarded to the Loss Control Officer for completion of safety training and to the AA/EEO Officer for completion of harassment training. Copies of all benefit forms will be forwarded to the Payroll Office.

Recruitment – Non-Exempt Positions and Athletic Coaching Staff

Screening committees are not to be used for non-exempt employees and Athletic coaching staff. *To start the recruitment process, the hiring supervisor contacts Human Resources for an Employment Packet.* The packet will contain the following forms where applicable: ERF; job description (for established positions), previously approved applicant grid, reference questions and interview questions; Interview Reimbursement Form; Interview Request Form; Contract Request Form; Checklist; Budget Revision Form; Recruitment and Hiring Policy and Procedures, and any other applicable information. If established questions need updating or are nonexistent, the hiring supervisor should formulate questions to be approved by the AA/EEO Officer.

Upon receipt of the ERF, Human Resources will prepare a draft copy of the advertisement and forward it with all support documentation to the hiring supervisor, grants accountant when applicable, the appropriate vice president, and the Vice President of Business Affairs. The vacancy announcement will identify the job, salary range, minimum educational and experience qualifications, application deadlines, and lists of required information to be included with the candidate's application, and how candidates may receive additional information related to the position. *Positions will be posted for a minimum of six (6) working day including posting on Western New Mexico University's job web site.* Each announcement will include a statement of the University's commitment to equal employment opportunity. Positions may be advertised as anticipated vacancies if there is uncertainty about funding. The hiring supervisor will review all recommended changes and forward to the appropriate vice president for final approval. Advertisements containing extensive changes will be re-routed for final review. Packets will be processed in the order received except when a critical need exists within a department as determined by the Human Resources Director. HR will be responsible for maintaining the job file, monitoring the progress of the hiring process for timeliness, and reporting to the President weekly on the status of each vacancy.

Screening

Human Resources prescreens applicants for minimum qualifications and forwards the qualified applicant files and roster to the AA/EEO Officer for a determination of an adequate applicant pool and utilization. Applicants will be notified by HR as to the status of their application. Applications of candidates not meeting the minimum qualifications as stated in the ad will not be released to hiring supervisor.

Testing

Departments may not test individuals unless the test has been validated as required by 41 Code of Federal Regulation #60-03 (i.e. content validity). Testing is defined as any verbal or pen and paper tests, such as WNMU composition or writing, and skill tests, such as typing or word processing. Departments may administer other test(s) only if validated and a notice of intent to test including a copy of the test is filed in advance with the Department of Human Resources. Exceptions to this policy are confidential national standardized tests such as those used by a Police Department. HR can test candidates upon hiring supervisor's request. Composition of test should be appropriate to individual job description/classification.

Interviewing

HR will notify the hiring supervisor when the applications are ready to be reviewed. Once the hiring supervisor has determined via the qualifications grid which candidates will be interviewed (usually less than five), he/she will notify HR by using the Interview Request Form supplied to them in the interview packet. HR will then arrange the interviews with all involved parties. Telephone interviews will be conducted when it is deemed necessary by the hiring supervisor and in agreement with the candidate. The hiring supervisor and/or designee will interview the candidates.

An exit interview will be conducted with each interviewee by the AA/EEO Officer. When the AA/EEO Officer is not available, exit interviews will take place with a designee. In the rare event that both of the above mentioned persons are unavailable, the candidate will be given an Exit Interview Form by the director of HR to be mailed to the AA/EEO Officer

Time Off for Interviews

Regular full-time employees are granted reasonable time off with pay to attend job interviews which have been scheduled during their regular work hours by HR. Employees should notify their supervisors in advance of such interviews. If the needs of the department are such that time off cannot be granted at the time of the scheduled interview, the applicant's supervisor should notify HR to allow for other arrangements to be made.

Selecting the Successful Candidate

After the interview is completed, the hiring supervisor shall identify in writing to his/her Vice President the strengths and weaknesses of the candidates and identify any they consider unacceptable and the reasons for that decision. A copy should be sent to the AA/EEO Officer and the appropriate vice president. Comments must be job-related and specific to the qualifications of the candidate compared to those required for the position. **The candidates should not be ranked.** As soon as the contract request to hire has been approved by the Vice President and received in HR, HR will contact the hiring supervisor to make an official job offer and agree on a tentative starting date. If the candidate does not accept the position, the supervisor will contact HR to determine the appropriate course of action. All materials should be returned to Human Resources after an offer has been accepted. The Human Resources Department is responsible for contacting all unsuccessful candidates for the position in writing.

The final authority for making hiring decisions shall at all times reside with the University President or his/her designee.

Contract Request

Upon receipt of an accepted offer, a Contract Request Form is to be completed by the hiring supervisor with Vice President approval is to be sent to Human Resources. The Human Resources Department will be responsible for generating the contract once the completed request is received in HR. The Human Resources Department will be given at least one week to process the contract prior to the employee's starting date. Upon approval, the candidate will be notified by Human Resources when to attend new employee orientation. **No employee is to work without a signed contract.** Verification of employability in the United States will be handled by the Department of Human Resources by completion of the I-9 Form. Employee's not able to supply the proper documentation within three (3) working days will not be permitted to work. Human Resources will contact the hiring supervisor if the employee has failed to supply the necessary documents.

New Employee Orientation

New employee orientation is scheduled each Thursday morning in the HR Department. New employees are required to attend orientation the first Thursday following their hire date unless a hardship exists. In that case, HR will arrange an alternate orientation time with the employee. HR will advise the hiring supervisor of the date the new employee is scheduled for orientation. The hiring supervisor in turn notifies the new employee and provides time off to participate in the orientation program. As part of the orientation process, each new employee is briefed on certain University policies, completes benefit election forms, is given a job description and staff handbook, and is afforded the opportunity to participate in a question and answer session regarding policies and benefits. A list of attendees will be forwarded to the Loss Control Officer for completion of safety training and to the AA/EEO Officer for completion of harassment training. Copies of all benefit forms will be forwarded to the Payroll Office.

3. FACULTY HIRING PROCEDURE

General

This process for screening and hiring faculty is adopted by the WNMU Administration pursuant to authority by the WNMU Board of Regents to the University President to develop a personnel system that addresses the recruitment and selection of personnel. The screening and hiring process at WNMU is intended to address three important goals. First, this process is designed to assist in hiring the best qualified individuals for available faculty positions and to support WNMU's mission of excellence. Second, adherence to this process should ensure that sufficient effort has been made to include members from diverse, gender, cultural, racial and ethnic groups in the pool of applicants considered for interview for available positions. Third, a broad pool will allow the University to establish diversity within WNMU's faculty in accordance with the WNMU Affirmative Action Plan and furnish positive and successful role models for WNMU students.

This process is designed to encourage communication among the parties involved in hiring: Search Committee, department chair, Dean, Provost & VPAA, and the department of Human Resources and AA/EEO Office.

Objectives

The goal of the University's recruitment and hiring process is to achieve an excellent and balanced workforce with representation and participation from all of the diverse sectors of our society. The primary objectives of the process are:

- To attract and hire the best qualified candidates, matching the qualifications of the candidate to the needs and expectations of the faculty position and to support WNMU's mission of excellence.
- To assure the expeditious placement of qualified candidates into vacant positions.
- To increase participation of qualified candidates from underrepresented groups in applicant pools.
- To ensure fair and equitable treatment of all candidates in the recruitment and hiring process.

Confidentiality of Employment Applications

All persons involved in the personnel recruitment process at WNMU shall keep confidential the identity of candidates for employment and the deliberations of those responsible for screening candidates, except as provided in this policy. This policy applies not only to those with a designated role in the screening process but also to any other employee of the University who may become aware of the identity of a candidate or the details of the deliberations. For purposes of this policy "candidates" shall include either applicants or nominees for positions at WNMU.

The identity and resume/curriculum vitae of a candidate shall be made public only in response to a request and only when interviews have been scheduled between that candidate and the hiring supervisor or between the candidate and the search committee members. For purposes of this policy the term "interviews" shall include meetings or discussions in which the hiring supervisor and the search committee members participate, either at the same time or in a series, and shall include discussions by telephone.

All candidates who are invited for interviews, as defined herein, shall first be advised of this policy and shall be given the opportunity either to continue in the search or to withdraw. The names and resumes/curriculum vitae of candidates who withdraw shall be kept confidential. All requests for the names of candidates for University employment shall be referred to the Public Information and Community Relations Office. Under all circumstances, letters of reference, the deliberations of the search committee, and other similar evaluative materials shall be kept confidential with respect to all candidates.

Recruitment

Faculty are considered professionals and are therefore exempt from the FLSA. Exempt positions require a search committee. All University employees are requested to participate as members of search committees from time to time. Participation on search committees is a vital component of duties and responsibilities for each University position and is considered to contribute to the good of the University community. The hiring authority shall recommend employees to serve on a search committee. All proposed committees shall be reviewed for approval by the appropriate Vice President and the AA/EEO Officer. Each committee shall have a minimum of three members. An attempt will be made to include members of minority groups, women, or underrepresented groups, and members from the department involved in the search. Community or student members may also be included on search committees as appropriate. Persons holding the following positions are exempt from participation in search committees: Director of Human Resources, Internal Auditor, and the AA/EEO Officer.

To start the recruitment process, the hiring supervisor contacts Human Resources for an Employment Packet. The packet will contain the following forms where applicable: ERF; Interview Reimbursement Form; Interview Request Form; Contract Request Form; Checklist; Budget Revision Form; instructions on how to proceed with a list of recommended search committee members and any other applicable information. If established questions need updating or are nonexistent, the search committee should work with the hiring supervisor in creating new questions to be submitted for approval with the packet. Any changes to the recommended search committee list will be communicated in writing to HR by the AA/EEO Officer for inclusion in the job file.

Upon receipt of the employment packet, Human Resources will work with the hiring authority to prepare a draft copy of the advertisement and forward it with all support documentation to the AA/EEO Officer, department chair, the Provost & Vice President of Academic Affairs, Grants Accountant when applicable, and the Vice President of Business Affairs for approval. The vacancy announcement will identify the job, salary range, faculty classification (e.g. Lecturer, instructor, professional rank, tenure track or non-tenure track, etc.), minimum educational and experience qualifications, application deadlines, and lists of required information to be included with the candidate's application, and how candidates may receive additional information related to the position. **Positions will be posted for a minimum of six (6) working days.** Each announcement will include a statement of the University's commitment to equal employment opportunity. Positions may be advertised as anticipated vacancies if there is uncertainty about funding. The hiring authority will review all recommended changes and forward to the appropriate Vice President of Academic Affairs (Provost & VPAA) for final approval. Advertisements containing extensive changes will be re-

routed for final review. The Director of Human Resources, the AA/EEO Officer, the department chair, and the Provost & VPAA shall determine the manner in which the position shall be advertised which may include advertising on a local, statewide and national basis. The manner of advertising should be sufficient to generate an adequate pool of qualified candidates and also to recruit members of minority groups, women, or under-represented groups for the department seeking to fill the vacancy. Internal and external advertising may occur simultaneously. Packets will be processed in the order received. HR will be responsible for maintaining the job file, monitoring the progress of the hiring process for timeliness, and reporting to the President weekly on the status of each vacancy.

The AA/EEO Officer will be responsible for contacting the search committee members and the department chair to arrange a mutually convenient time for orientation. The AA/EEO Officer will address the search committee on EEO and Affirmative Action policies and the laws.

Screening

A faculty search committee to screen applications and interview prospective candidates shall be established by the department chair in consultation with faculty in the department and related fields. The department chair will submit a memo listing the search committee members which shall be approved by the Provost & VPAA and the AA/EEO Officer. The search committee shall normally have three to five members, and it should consist of faculty members of the department filling the vacancy. Faculty members from other departments may be invited to serve on the committee. An attempt should be made to include members of minority and other underrepresented groups or women from the department involved in the search. Community or student members may also be included on search committees as appropriate. Final approval of the search committee should occur at least four weeks prior to the date for the proposed review of applications.

The Department of Human Resources shall prescreen all applications received by the application deadline to assure that applications are complete and meet the minimum job qualifications. The AA/EEO Officer shall provide the search committee with relevant information as to the University's commitment to diversity as expressed in the WNMU Affirmative Action Plan. HR will address the committee chair on the hiring process.

The committee will develop standard questions for the interview process prior to the proposed candidate review date. They will be forwarded to AA/EEO for approval. Prior to selecting a group of finalists for an on-site interview the search committee will:

- 1) meet with the AA/EEO Officer and Human Resources Director for orientation,
- 2) prepare standard questions for the telephone and/or on-site interview process,
- 3) prepare and complete a qualifications grid on each candidate,
- 4) prepare and complete reference questions on each candidate,
- 5) complete the interview request form with Provost & VPAA approval and submit to HR (identify desired dates for candidate visits)

Testing

Departments may not test individuals unless the test has been validated as required by 41 Code of Federal Regulation #60-03 (i.e. content validity). Testing is defined as any verbal or pen and paper tests, such as composition or writing, and skill tests, such as typing or word processing. Departments may administer other test(s) only if validated and notice of intent to test including a copy of the test is filed in advance with the Department of Human Resources. Exceptions to this policy are confidential national standardized tests such as those used by a Police Department.

Interviewing

HR will notify the search committee chairperson when the applications are ready to be reviewed. Once the search committee has determined via the qualifications grid which candidates will be interviewed (**usually three to five**). **The hiring supervisor and the Provost & VPAA may review the applications prior to submitting the approved Interview Request Form and the scheduling of the interviews.** At the department's discretion, the department or the Director of Human Resources may coordinate the interview schedule. The Department of Human Resources will be available to assist in this process and will handle travel arrangements. Should they wish HR to coordinate the interviews they should notify HR by using the Interview Request Form (**which requires the hiring supervisor and the Provost & VPAA approvals**) supplied to them in the interview packet. HR will then arrange the interviews with all involved parties. The on-site interview process may include additional steps such as an interview with the Department Chair, department members, Dean, Provost & VPAA, University President, a teaching or research demonstration, a campus tour, an open forum in which interested faculty, students, staff or community members may meet the candidates, or other activities deemed by the Search Committee or Provost & VPAA to be appropriate to the position being filled. **HR will be given at least one week to schedule interviews with local candidates; two weeks for candidates that**

are not local. HR will then arrange the interviews with all involved parties. HR will distribute copies of the interview schedule to all interview entities. One copy will be sent to the search committee chair. The chairperson will be responsible for sharing the information with other members of the committee. Telephone interviews will be conducted when it is deemed necessary by the search committee and in agreement with the candidate (**if offered to one candidate then it will be offered to all candidates**).

The search committee shall collectively interview those finalists who accept an invitation for an on-site interview. If further reference checks are deemed necessary, the search committee shall arrange to obtain such information and will be responsible for creating additional questions that must be approved by the AA/EEO Officer.

An exit interview will be conducted with each interviewee by the AA/EEO Officer. When the AA/EEO Officer is not available, exit interviews will take place with a designee. In the rare event that both of the above mentioned persons are unavailable, the candidate will be given an Exit Interview Form by the Director of HR to be mailed to the AA/EEO Officer.

Time Off for Interviews

Regular full-time employees are granted reasonable time off with pay to attend open forums or search committee activities which have been scheduled during their regular work hours by the Department of Human Resources. Employees should notify their supervisors in advance of such interviews. If the needs of the department are such that time off cannot be granted at the time of the scheduled interview, the applicant's supervisor should notify the Department of Human Resources to allow for other arrangements to be made.

Selecting the Successful Candidate

After the interview is completed, the search committee shall identify in writing to the department chair the strengths and weaknesses of the candidates and identify any they consider unacceptable and the reasons for that decision. A copy of the strengths and weaknesses should be sent to the AA/EEO Officer and the appropriate Vice President. Comments must be job-related and specific to the qualifications of the candidate compared to those required for the position. **The candidates should not be ranked.** The document should also contain the name of the person they are recommending for hire. If the department chair does not agree with the Committee's recommendation, both parties will provide the Provost & VPAA with statements of explanation for their particular recommendation. All materials should be given to Human Resources upon completion. The department chair can request to review interview notes, application materials, reference check information, and select the candidate that best matches the department's needs. The department chair should submit his/her recommendation for hire to the Provost & VPAA and return all materials to HR once the candidate has accepted the position. After an offer has been extended and accepted HR is responsible for contacting all unsuccessful candidates for the position in writing.

The Provost & VPAA, after consultation with the Department Chair shall select one of the finalists for hiring. The Provost & VPAA, prior to this recommendation, may conduct further reference checks. If the Provost & VPAA disagrees with the Committee's and/or Department Chair's recommendation, he/she shall meet with the Committee/Department Chair to discuss the decision. The final authority for making hiring decisions shall at all times reside with the Provost & VPAA or his/her designee. Due to cost considerations, a new search is not required if the candidate does not accept the position or if the candidate withdraws after acceptance. Rather, the hiring supervisor may make a hiring recommendation from the pool of candidates from the original search.

The Job Offer

All offers shall be made by the Provost & VPAA or his/her designee. The Department Chair may be authorized to make the verbal offer after conferring with the Provost & VPAA. Notification of the job offer shall be submitted to the Department of Human Resources. The official written offer to which the candidate is requested to respond (verbal or written) within five (5) working days of receipt will be sent from the Department of Academic Affairs.

Contract Request

Upon receipt of an accepted offer, a Contract Request Form is to be completed by the Provost & VPAA or his/her designee and sent to Human Resources. The Human Resources Department will be responsible for generating the contract and routing the request and completed contract for all required approvals prior to the employee's start date. **No employee is to work without a signed contract.** Verification of employability in the United States will be handled by the Department of Human Resources by completion of the I-9 Form. Employee's not able to supply the proper documentation within three (3) working days will not be

permitted to work. Human Resources will contact the Provost & VPAA if the employee has failed to supply the necessary documents.

New Employee Orientation

On the first day of employment or as soon thereafter as can be arranged by the Department of Human Resources, each new employee participates in the New Employee Orientation program. The employee will be notified by the Provost & VPAA when to attend New Faculty Orientation. The Department of Human Resources advises the Provost & VPAA of the date the new employee is scheduled for Benefits Orientation. The hiring supervisor in turn notifies the new employee and provides time off to participate in the orientation program. As part of the Benefits Orientation process, each new employee is briefed on certain University policies, completes benefit election forms, is given a job description and staff handbook, and is afforded the opportunity to participate in a question and answer session regarding policies and benefits. A list of attendees will be forwarded to the AA/EEO Officer for completion of safety and anti-harassment training of the new employees. Copies of all benefit forms will be forwarded to the Payroll Office.

4. USE OF ADVISORY SEARCH COMMITTEES

Advisory search committees are appointed to assist in identifying and attracting the most promising candidates for all exempt and faculty positions to be filled. After giving serious consideration to recommendations from search committees but not being restricted to such recommendations, the President of the University or persons designated by the President are responsible for naming the individuals to fill the positions.

The Affirmative Action Officer is responsible for ensuring that search committees are appointed for all such positions and meet for orientation purposes prior to beginning the selection process.

Search Committee Process:

1. The position announcement and position deadline for applications is made public.
2. The hiring supervisor names the search committee and submits to the AA/EEO for approval.
3. The AA/EEO approves or recommends revision to the search committee.
4. The AA/EEO meets with the search committee, provides public position announcement and information packet to the committee.
5. Search committee meets, elects a chairperson (or chairperson may be appointed by the hiring supervisor when the search committee is appointed.)
6. Search committee determines selection criteria grid for evaluation of candidate applications (based on advertised position announcement), as well as list of interview questions, and list of reference questions.
7. Search committee chair submits the criteria grid, interview questions, and reference questions to the AA/EEO for review/approval.
8. The AA/EEO reviews, may edit, and approves these items and forwards a copy to the Human Resources Director and the search committee chairperson.
9. The Human Resources Office informs the search committee chairperson that the required approvals have been received and that the applications are ready for the committee. Human Resources ensures that the committee chairperson receives a copy of the approvals and criteria grid with the applicant names.
10. The search committee applies the criteria grid to all the applications and determines who will be interviewed. References are contacted and the search committee chairperson communicates with the hiring supervisor and appropriate vice president with respect to interview times via an Interview Request Form.
11. The Interview Request Form requires the hiring supervisor and appropriate vice president signatures and is then submitted to the Human Resources Director with a copy to the AA/EEO.
12. The Human Resources Office schedules the interviews, and communicates the interview schedule to the chairperson. The chairperson is responsible for distribution of the candidates' itinerary.
13. The candidates are interviewed by the search committee and by individuals designated by the search committee. (The hiring supervisor may be present at the search committee interview but may not participate.)
14. The search committee concludes its interviews, assembles a list of strengths and weaknesses of each candidate, and submits the list to the hiring supervisor, the Human Resources Director, and the AA/EEO.
15. The search committee's work is concluded at this point. The chairperson collects the committee's minutes and notes and submits the material to the Human Resources Office.

5. EMPLOYMENT ELIGIBILITY VERIFICATION I-9

<u>Purpose</u>	To describe the documentation and processing required to verify employment eligibility (I-9).
<u>Source</u>	Eight (8) United States Code Annotated 1324a and related regulations; WNMU Policy
<u>Applicability</u>	All WNMU employees
<u>Policy</u>	The University will comply with the rules and regulations of the Immigration Reform and Control Act of 1986 (Act). All University employees are required to show proof of authorization to work in the United States. In the event an employee is unable to provide evidence of employment eligibility within the time limits required by law, the employee will not be eligible for completion of the hiring process. The Department of Human Resources will maintain the official documentation files to comply with the rules and regulations of the Act.
<u>Procedure</u>	On or before their first day of employment, all new employees will present their documentation to the Department of Human Resources to establish their (1) true identity and (2) eligibility to be employed in the United States. The documentation requirements will be included as part of the offer of employment.
<u>Documents</u>	Any one of the following original documents shall constitute evidence of both identity and employment authorization. <ol style="list-style-type: none"> 1. United States Passport 2. Certificate of US Citizenship, INS Form N-560 or N-561 3. Certification of Naturalization INS Form N-550 or N-570 4. An unexpired foreign passport which: <ol style="list-style-type: none"> a) contains an unexpired stamp therein which reads, "Processed for I-1551. Temporary Evidence of Lawful Admission for Permanent Residence. Valid until _____. Employment authorized" or b) has attached thereto a Form I-94 bearing the same name as the passport and contains an employment authorization stamp, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94. 5. An Alien Registration Receipt Card, INS Form I-151, or Resident alien, INS Form I-551, provided that it contains a photograph of the bearer. 6. Temporary Resident Card, INS Form I-688. 7. Employment Authorization Card, INS Form I-688A.

OR BOTH an original document which establishes **identity** and a separate original document which establishes **employment eligibility**.

The following documents are acceptable to establish **identity** only:

1. A state-issued driver's license or state-issued identification card containing a photograph. If the driver's license or identification card does not contain a photograph, identifying information should be included, such as: name, date of birth, sex, height, color of eyes and address.
2. School identification card with photograph.
3. Voter's registration card.
4. US military card or draft record.

5. Identification card issued by federal, state, or local government agencies or entities.
6. Military dependent's identification card.
7. Native American tribal documents.
8. United States Coast Guard Merchant Mariner card.
9. Driver's license issued by a Canadian government authority.

The following are acceptable documents to establish **employment eligibility** only:

1. A social security number card other than one, which has printed on its face "not valid for employment purposes."
2. An unexpired reentry permit, INS Form I-327.
3. An unexpired Refugee Travel document, INS Form I-571.
4. A Certificate of Birth issued by the Department of State, Form FS-545.
5. A Certificate of Birth Abroad issued by the Department of State, Form DS-1350.
6. An original or certified copy of a birth certificate issued by a state, county, or municipal authority bearing a seal.
7. An employment authorization document issued by the Immigration and Naturalization Service.
8. Native American tribal document.
9. United States Citizen Identification Card, INS Form I-197.
10. Identification card for use by a resident citizen of the United States, Form I-179.

If an individual is unable to provide the required document or documents on or before the first day of employment, they must present a receipt for the application of the document or documents on or before the first day of employment and present the required document or documents within 21 days of appointment.

VERIFICATION

The hiring department shall complete the Employment Eligibility Verification Form (INS I-9), certifying that the employee has presented original documents attesting to his or her identity and verifying that she or he is authorized to work in the United States.

The employee shall also sign the I-9 and attest to the same facts.

The hiring department does not have to verify the accuracy of the documents. It is sufficient if a document reasonably appears on its face to be genuine.

Copies of the original documents and the completed I-9 shall be maintained in a separate I-9 file from the employee's personnel file.

No employee may be placed on payroll or receive a University paycheck until an I-9 has been executed by the Department of Human Resources.

REEMPLOYMENT

When an individual is rehired within **three years** of the initial employment date and execution of the I-9, the hiring department shall inspect the original I-9. If it is subsequently determined that the I-9 relates to the individual, and that the individual is authorized to work, no additional verification or new I-9 is required and a memo to that effect should be attached to the hiring EAF. However, if upon inspection of the I-9 it is determined that the individual is no longer

authorized to work in the U.S., the individual shall not be rehired unless all the required identity and employment verification requirements are met.

EXPIRATION OF ELIGIBILITY (EMPLOYMENT OF ALIENS)

The hiring department is responsible for re-verifying employment eligibility of aliens upon expiration of any employment authorization documents, should they desire to continue the alien's employment.

6. IMMIGRATION REFORM AND CONTROL ACTION ANTI-DISCRIMINATION PROCEDURE

1. Western New Mexico University does not discriminate against any individual with respect to recruitment, selection, and termination because of an individual's national origin, or citizenship status.
2. In compliance with the Immigration Reform and Control Act of 1986, all persons hired after November 6, 1986, are required to demonstrate their authorization for employment in the United States. This procedure is applicable to all persons.
3. Western New Mexico University will continue to verify employment authorizations for all prospective employees in a nondiscriminatory manner in keeping with anti-discrimination laws.

B. STAFF DISCIPLINARY POLICIES AND PROCEDURES

Disciplinary Action

Western New Mexico University encourages harmonious working relationships between supervisors and staff. A commitment to on-going honest feedback and communication between supervisors and staff will go a long way to insure that whenever problems occur they are resolved quickly and relatively easily. Therefore, whenever it is possible, problems should be worked out on an informal basis.

When more serious action is required, the following progressive disciplinary and corrective action plan is provided as a guideline. Depending on the particular circumstances and/or severity of the occurrence, any step or steps in the Disciplinary Action Policy may be skipped. A severe sanction, up to and including termination, may be appropriate for a first or subsequent offense. Listed below are some of the reasons that may be cause for disciplinary action up to and including termination.

1. Excessive tardiness or abuse of leave privileges.
2. Absenteeism without approved leave.
3. Failure to meet performance standards for the position. (Please refer to performance evaluation section of staff handbook).
4. Violation of policies and procedures.
5. Harassment or discrimination of any kind.
6. Violation of the Drug Free Workplace Policy.
7. Insubordination.
8. Misuse of authority.
9. Intentional misinformation on an employee application or resume.
10. Retaliation.

If a staff member believes that a disciplinary action was unjustly or improperly taken against them, the staff member has the right to use the grievance procedures within this handbook, except that the grievance process may not be used to

grieve:

1. Termination of employment during the term of contract; the Hearing Discharge Process from the Disciplinary Policy must be utilized in that instance;
 2. The non-renewal of an employment contract;
 3. The President of the University may not be named as a respondent to a grievance;
 4. Discretionary acts of professional judgment relating to the evaluation of work performance of an employee by his supervisor;
 5. Situations where the exclusive remedy for the alleged violation exclusively resides in some agency, person, or authority other than the President;
 6. Situations as to which the procedure within the University is prescribed by state or federal authority;
 7. Any personnel action taken by the President, without limitations;
8. Situations where another more appropriate remedy has been provided by the President (e.g. persons disagreeing with their evaluation may attach comments for inclusion in their personnel file). In addition to the foregoing limitations, a grievance cannot be filed by a former employee after the effective date of the termination of their employment.

Progressive Disciplinary Actions

1. Verbal Warnings

An employee normally will be counseled by his/her supervisor when job performance remains less than satisfactory despite informal attempts to correct the problem. Attempts should be made by the supervisor to eliminate problems in order to prevent verbal warnings.

This counseling, in the form of verbal warning, is normally the first step in the process. Verbal warnings are a formal part of the disciplinary function and are given to correct misunderstandings; to prevent continued repetition of problems, and to guide employees back onto the right track, etc.

2. Written Reprimand

When an employee has committed a serious infraction or has continuing problems directly related to prior verbal warnings, which have not been resolved, a written reprimand will be given to the employee.

The written reprimand will usually include the following prior to being given to the employee.

1. A description of the reason(s) for the reprimand.
2. Time frame by which corrective action must be completed.
3. A reference to the verbal warning*
4. The corrective action required and a time frame allowed for the improved performance, so that there is a full understanding of what is expected.
5. Notification to the employee that a continuation of the problem or failure to improve performance will result in further disciplinary action up to and including suspension or termination.

***Depending on the particular circumstances, written reprimands may be issued without prior verbal warnings.**

The employee is requested to sign the written reprimand form to acknowledge receipt of the written reprimand. The original copy, signed by the supervisor and the employee, is sent to the Human Resources Director where it is placed in the employee's personnel file. The employee has the opportunity to respond to the issues presented in the written reprimand and this response will also be placed in the employee's personnel file. Copies of the written reprimand and employee response will be provided to the employee and employee's supervisor.

3. Probation Notice

An employee who has committed a serious infraction or exhibited other problems that have not been resolved by the verbal warning and written reprimand may be placed on probation with the prior approval of the appropriate Vice President or President.

Probation is a formal process requiring written documentation to the employee that usually includes:

1. Specific reasons for the probation (referencing the problem, dates of prior verbal and written warnings, etc.)
2. Specific standards of performance to be met by the employee
3. The time period by which the corrective action must be completed.
4. The specific length of the probationary period, which usually will not be longer than 60 working days.

5. Consequences of not meeting the terms of the probation. This should include statements that explain that:
 - a. The employee is not eligible for transfer or promotion while on probation.
 - b. Recurrence of the problem or failure to make the required improvements performance will be grounds for further disciplinary action up to and including dismissal.

The employee is requested to sign a statement acknowledging receipt of the probation notice.

The original copy, signed by the supervisor and the employee, is sent to the Human Resources Director and placed in the employee's personnel file. The employee and appropriate vice president are also provided with copies of the Probationary Notice.

During the probationary period, the supervisor should provide the probationary employee with either verbal or written feedback concerning the employee's progress. If an employee satisfactorily corrects the deficiencies that resulted in probation and performs adequately in all other respects during the probationary period, the employee will be released from probation. If the improvement in performance is not sustained after the release from probation or the deficiencies are not corrected in the allotted probationary time period; the employee may be terminated. In the discretion of management, in exceptional circumstances, probation may be extended or modified.

4. Extension of Probation

The supervisor in coordination with the appropriate vice president may extend the probationary period. The extension must include rationale as to why the extension would be beneficial to the employee and/or the university. An extension will not be approved if it will extend the entire probationary period for longer than 120 working days. An employee whose performance remains unsatisfactory after the extended probationary period will be terminated.

At the satisfactory completion of the probationary extension, the supervisor will send a letter to the Human Resources Director stating that satisfactory performance has been achieved and the employee is being returned to regular employment status. This letter will be included in the employee's personnel file with courtesy copies to the employee, appropriate vice president and AA/EEO Officer.

5. Suspension

Where circumstances warrant, such as in situations where there are allegations of severe misconduct that must be investigated, and employee may be suspended with pay. In this case the suspension is not disciplinary and there is no due process right or right of appeal. Suspension with pay may only be used with approval of the appropriate Vice President.

In certain rare instances, such as when other forms of disciplinary action are deemed inappropriate, and employee may be suspended without pay as a disciplinary measure. Suspension without pay may only be used with approval of the appropriate Vice President. In cases of employees exempt from the overtime provisions of the Fair Labor Standards Act, suspension without pay may only be in increments of a work week, e.g., one week, two weeks, etc.

Except emergency cases involving very serious misconduct, any employee who is suspended without pay will first be provided with notice of these charges against them and an opportunity to give their side of the story to the appropriate Vice President prior to a final decision regarding the suspension. In emergency cases involving very serious

misconduct, the employee may be suspended without pay immediately, but the employee will be given notice and opportunity to give their side of the story as soon as practicable under the circumstances after the suspension takes effect.

In the event of a suspension without pay that is for five business days or less, an employee suspended without pay pursuant to this policy is entitled to no further process beyond this notice and opportunity to be heard granted above. In the event of a suspension without pay that is longer than five business days, the suspended employee will have a right to appeal the suspension. In such a case, the Hearing Discharge Process (below) will be utilized, modified so that the issue being decided is whether the Suspension was for adequate cause.

6. Termination of Employment

Termination of employment will normally occur after progressive discipline fails of where the particular circumstances are serious. If corrective actions have been ineffective and the conditions of improved performance have not been met, or if the improvement in performance is not sustained, the employee will be terminated with the prior approval of the appropriate vice president and human resources director.

Except in emergency cases involving very serious misconduct, any employee who is terminated during the term of their contract will first be provided with notice of the charges against them and an opportunity to provide his/her rebuttal of alleged charges to the appropriate vice president prior to termination of employment.

A formal termination notice must be written by the supervisor and approved by the appropriate vice president prior to the notice being hand delivered or sent by certified mail to the employee. A copy of this notice must be placed in the employee's personnel file.

All monies due the employee for accrued work hours, annual leave and compensatory time will be paid within five calendar days of the date of termination.

7. Hearing Discharge Process

The Hearing Authority shall be independent, free from relationship to any party, lacking in an direct or indirect financial interest in the proceeding. "Each year a Hearing Authority Committee will be chosen no later than September 30th that will serve until the next year's Hearing Authority Committee (HAC) is chosen. The President will choose one member, the Staff Senate President will chose one member, and those two will choose the third member by agreement. A terminated employee may appeal a discharge during the term of their contract by notifying the University within 15 days of termination via a written notice delivered to the AA/EEO Officer.

Within 10 days of such notice, the HAC will meet to set a hearing date. The following procedures will be used.

Hearing Procedure

Adoption of Rules. The Committee will convene within 10 days after establishment of the Committee to elect a chairperson.

Duties of the Chairperson. The Chairperson of the Committee shall:

1. Preside over the proceedings;
2. Issue orders as necessary to insure that the proceedings are conducted in an orderly and just manner;
3. Make rulings on the relevance and admissibility of evidence, after Consultation with the other members of the Committee and a determination of how the majority of the Committee wants to rule on the question presented; and
4. Ensure that a proper record is made of the official proceedings and that all documentary evidence produced at the hearing by either party is properly admitted, logged and preserved along with the record.

5. Committee action must be taken by a simple majority. If a member of the Committee disagrees with a ruling or action of the Chair, such member may request a vote of the Committee members on the question and the majority governs.

Representation During Proceedings.

The parties will be permitted to have an advisor present. Either party will be permitted to have legal counsel present, provided that party provides notice to the other party and the AA/EEO Officer of intent to do so at least 5 days prior to the hearing, so that the other party may have legal counsel present as well. Legal counsel may not participate except to advise their client. The University, in its discretion, may have legal counsel present to advise the Committee regardless of whether the parties are represented.

Sequence of the Hearing. The Committee will conduct the proceeding according to the following sequence:

1. Short opening statement by the Vice President or his/her designee (hereinafter "respondent").
2. Short opening statement by the employee.
3. In addition to making an oral opening statement, either side may also present a written statement of position, which shall become part of the official record of the proceeding and may be considered by the committee.
4. Presentation of the respondent's evidence and witnesses. The Respondent will examine witnesses, and the employee will have the opportunity to cross-examine them. The respondent may present his own testimony through a statement, and the employee may cross-examine the respondent. Committee members may also ask questions.
5. Presentation of the employee's evidence and witnesses by the employee. The employee will examine witnesses, and the respondent will have the opportunity to cross-examine them. The employee may present his own testimony through a statement, and the respondent may cross-examine the employee. Committee members may also ask questions.
6. Summation of the evidence and closing argument by the respondent.
7. Summation of the evidence and closing argument by the employee.
8. Deliberation by the Committee, done in private.
9. Rendering of the Decision.

Burden of Proof.

The respondent shall have the burden to prove his case by preponderance of the evidence, defined as follows. The respondent meets this burden if it persuades the Committee that it is more likely than not that the employee was terminated for adequate cause. If the Committee finds that the evidence is equally weighted both ways, then the respondent has not met his burden of proof. However, if the evidence weights even slightly more heavily in favor of the respondent, then the respondent has met the burden. The respondent need not prove his case beyond a reasonable doubt or by clear and convincing evidence in order to prevail.

Evidence.

1. Each party may present relevant evidence. Relevant evidence is evidence tending to prove or disprove a fact or matter in issue. Relevant evidence may be introduced even if its probative value is slight.

2. Irrelevant evidence is not admissible.
3. The Committee is not bound by the rules of evidence used by courts of law. Evidence is not objectionable or inadmissible because it is hearsay or because its introduction is contrary to the rules of evidence used by courts of law. Such factors, however, may be considered by the Committee in deciding on the weight or persuasiveness of evidence. The Committee is the finder of fact and it is each Committee member's prerogative to assign such weight to the evidence presented as they see fit, and to determine the credibility of witnesses.

Committee Decision.

1. The Committee reaches a decision when a simple majority of the members present are in agreement.
2. The Committee will issue its decision in writing to the parties with a copy to the President. The decision will either be to uphold the termination or overturn the termination.
3. The Committee may not adjourn until it reaches a decision.

Appeal.

Either party may appeal the Committee decision to the President of the University within 15 days. Such an appeal must be in writing and will not be a rehearing; rather, it will be decided upon the record. The President of the University will usually decide the appeal within 15 days of receiving the appeal but such time period may be extended up to 30 days at the discretion of the President due to necessity. The President may accept, reject or modify, in whole or in part, the decision of the Committee. The decision of the President is final.

In the event that the Hearing Authority upholds the discharge of an employee due to a Reduction in Force (RIF), pursuant to Board of Regents policy, the decision of the Hearing Authority shall clearly specify that the discharge was pursuant to a RIF and not from any cause personal to the discharged employee. The employee's right to recall under the university's RIF policy will remain unaffected.

**C. STAFF AND FACULTY GRIEVANCE PROCEDURES
STAFF GRIEVANCE PROCEDURE**

The following are not grievable under this policy:

1. Termination of employment during the term of contract; the Hearing Discharge Process from the Disciplinary Policy must be utilized in that instance;
2. The non-renewal of an employment contract;
3. The President of the University may not be named as a respondent to a grievance;
4. Discretionary acts of professional judgment relating to the evaluation of work performance of an employee by his supervisor;
5. Situations where the exclusive remedy for the alleged violation exclusively resides in some agency, person, or authority other than the President;
6. Situations as to which the procedure within the University is prescribed by state or federal authority;
7. Any personnel action taken by the President, without limitation;
8. Situations where another more appropriate remedy has been provided by President (e.g. persons disagreeing with their evaluations may attach comments for inclusion in their personnel file);

In addition to the foregoing limitations, a grievance cannot be filed by a former employee after the effective date of the termination of employment.

The following are grievable under this policy:

1. Complaints alleging discrimination on the basis of sex, age, race, national origin, religion, disability, sexual orientation, or veteran's status;
2. Violation by a supervisor of Board of Regents policies or procedures, or other official University policies, rules or regulations with the exception of items 1 through 9 listed above as non-grievable.

Definitions:

"Grievant" an employee who is personally and directly affected by a condition or action that constitutes a condition or action grievable under this policy.

"Grievance" is the written allegation of a grievable action or condition by the grievant.

"Respondent" is the University official named in the grievance as being responsible for the grievable action or condition.

Procedure:

The AA/EEO Officer will conduct the investigation if the allegation involves a complaint alleging violation of the grievable situations noted above. The steps listed below are to be utilized in the grievance/complaint process. Deadlines may be extended only by agreement of all parties and the AA/EEO Officer.

A grievant may terminate the process at any level if he/she indicates, in writing, a desire to do so, accepts the resolution at that level, or fails to pursue his/her grievance by filing at the next level within the specified time limit.

Step 1: To settle any differences of opinion, the involved parties need to discuss the issue openly and honestly. The employee should request a meeting with his/her immediate supervisor to discuss the issue. Every attempt to reach an amicable solution to the issue should be made by both parties.

Step 2: If the employee and the immediate supervisor are unable to resolve the grievance through open discussion in Step 1, the employee may discuss the grievance with the next level supervisor (supervisor's supervisor) within five (5) working days of the meeting in Step 1. In the event the employee and next level supervisor are unable to resolve the grievance to the employee's satisfaction, a neutral party may mediate the grievance issue if both grievant and/or respondent so request or proceed to Step 3. The person chosen to mediate should be acceptable to all concerned parties. This mediation will be coordinated by the AA/EEO office and held within five (5) working days of the request. If the mediation is unsuccessful, the employee has the option to proceed to Step 3.

Step 3: Within ten (10) working days of the meeting with the next level supervisor or the mediation, the employee may submit the unresolved grievance in writing to the AA/EEO Officer.

The grievance form and assistance in preparing the grievance in a written format is available through the AA/EEO Officer. The written grievance must contain a requested remedy that is appropriate to the alleged violation.

The AA/EEO Officer will transmit the written grievance to the respondent within 5 days of receipt from the grievant. The respondent will have 10 days to file a written response with the AA/EEO Officer. Failure of the respondent to file a response will be deemed to be a general denial of the allegations in the grievance. The AA/EEO Officer will transmit the respondent's response to the grievant within 5 days of receipt. If the respondent agrees to the grievant's proposed remedy, or if the grievant agrees to a remedy proposed by the respondent, then the parties will sign an agreement to that effect prepared by the AA/EEO Office and the grievance is concluded. If the grievance remains unresolved then the parties proceed to Step 4.

Step 4: If the grievance still remains unresolved, the employee may submit a request for the establishment of a grievance committee for the purposes of reviewing the grievance and subsequent response to the AA/EEO Officer. Upon receipt of the request the AA/EEO Officer shall, within five (5) working days, appoint a grievance committee which includes a total of five members elected from the grievance pool. All EEO-6 categories will be equally represented within the committee (due to low availability, skill and technical categories will be combined). The AA/EEO Officer will act as the non-voting chair of the grievance committee. Either party to the grievance may challenge one member of the committee. The challenged member(s) shall be replaced by an alternate from the same category.

Hearing Procedure:

1. Adoption of Rules. The Committee will convene within 10 days after establishment of the Committee to elect a Chairperson.
2. Duties of the Chairperson. The Chairperson of the Committee shall:
 - a. Preside over the proceedings;
 - b. Issue orders as necessary to insure that the proceedings are conducted in an orderly and just manner;
 - c. Make rulings on the relevance and admissibility of evidence, after consultation with the other members of the Committee and a determination of how the majority of the Committee wants to rule on the question presented; and
 - d. Ensure that a proper record is made of the official proceedings and that all documentary evidence produced at the hearing by either party is properly admitted, logged and preserved along with the record.
 - e. Committee action must be taken by a simple majority. If a member of the Committee disagrees with a ruling or action of the Chair, such member may request a vote of the Committee members on the question and the majority governs.
3. Representation during the Proceedings
 - a. The parties will be permitted to have an advisor present. Either party will be permitted to have legal counsel present, provided that party provides notice to the other party and the AA/EEO Officer of intent to do so at least 5 days prior to the hearing, so that the other party may have legal counsel present as well. Legal counsel may not participate except to advise their client. The University, in its discretion, may have legal counsel present to advise the Committee regardless of whether the parties are represented.
4. Sequence of the Hearing. The Committee will conduct the proceeding according to the following sequence:
 - a. Short opening statement by the grievant.
 - b. Short opening statement by the respondent.
 - c. In addition to making an oral opening statement, either side may also present a written statement of position, which shall become part of the official record of the proceeding and may be considered by the committee.
 - d. Presentation of the grievant's evidence and witnesses. The grievant will examine witnesses, and the respondent will have the opportunity to cross-examine them. The grievant may present his own testimony through a statement, and the respondent may cross-examine the grievant. Committee members may also ask questions.
 - e. Presentation of the respondent's evidence and witnesses by the respondent. The respondent will examine witnesses, and the grievant will have the opportunity to cross-examine them. The respondent may present his own testimony through a statement, and the grievant may cross-examine the respondent. Committee members may also ask questions.
 - f. Summation of the evidence and closing remarks argument by the grievant.
 - g. Summation of the evidence and closing argument by the respondent.
 - h. Deliberation by the Committee, done in private.
 - i. Rendering of the decision.
5. Burden of Proof.
 - a. The grievant shall have the burden to prove his case by a preponderance of the evidence, defined as

follows. The grievant meets this burden if it persuades the Committee that it is more likely than not that the respondent was responsible for an action or condition that constitutes discrimination on the basis of sex, age, race, national origin, religion, disability, sexual orientation, or veteran's status; or a violation of Board of Regents policies or procedures, or other official University policies, rules or regulations with the exception of items listed above as non-grievable. If the Committee finds that the evidence is equally weighted both ways, then the grievant has not met his burden of proof. However, if the evidence weighs even slightly more heavily in favor of the grievant, then the grievant has met the burden. The grievant need not prove his case beyond a reasonable doubt or by clear and convincing evidence in order to prevail.

6. Evidence.

- a. Each party may present relevant evidence. Relevant evidence is evidence tending to prove or disprove a fact or matter in issue. Relevant evidence may be introduced even if its probative value is slight.
- b. Irrelevant evidence is not admissible.
- c. The Committee is not bound by the rules of evidence used by courts of law. Evidence is not objectionable or inadmissible because it is hearsay or because its introduction is contrary to the rules of evidence used by courts of law. Such factors, however, may be considered by the Committee in deciding on the weight or persuasiveness of evidence. The Committee is the finder of fact and it is each Committee member's prerogative to assign such weight to the evidence presented as they see fit, and to determine the credibility of witnesses.

7. Committee Decision.

- a. The Committee reaches a decision when a simple majority of the members present are in agreement.
- b. The Committee will issue its decision in writing to the parties with a copy to the President. The decision will either be to uphold the termination or overturn the termination.
- c. The Committee may not adjourn until it reaches a decision.

8. Appeal.

- a. Either party may appeal the Committee decision to the President of the University within 15 days. Such an appeal must be in writing and will not be a rehearing, rather, it will be decided upon the record. The President of the University will usually decide the appeal within 15 days of receiving the appeal, but such time period may be extended up to 30 days at the discretion of the President due to necessity. The President may accept, reject or modify, in whole or in part, the decision of the Committee. The decision of the President is final.

WNMU will not tolerate retaliation, recrimination, discrimination, harassment or other adverse actions because of an employee's use of the grievance process. Any retaliatory action of any kind taken by any WNMU employee against another WNMU employee as a result of such employee seeking to resolve a grievance under these procedures, cooperating in any investigation or otherwise participating in any proceedings under these procedures is prohibited and shall be grounds for disciplinary action up to and including termination of employment. Any retaliatory action is also prohibited by the Title VII Civil Rights Act, as amended, Executive Order 11246 and the NM Human Rights Act.

Any participant in an investigation, who attempts to misdirect an investigation, whether by falsehood and/or omissions, will be subject to disciplinary action up to and including termination of employment.

Grievance Pool

The selection of a grievance pool will be made at the beginning of each academic year. All members of the grievance pool may serve one year.

The process of selecting representatives of each EEO-6 category will be as follows: A list of full-time employees in their respective groups will be compiled by the AA/EEO Officer; a copy will be mailed to each full-time employee with instructions to select the five members within their category; the five individuals with the most votes will be deemed the representatives for each group.

The voting sheets must be returned to the AA/EEO Officer within five working days and the tallying will be done by the AA/EEO Officer and a Staff Senate representative. The results will be open for inspection by any university employee.

A Grievance Committee will consist of five members and the Affirmative Action Officer. The Affirmative Action Officer will act as the non-voting chair of the committee. Members are to be selected from the category groups in the grievance pool.

2. FACULTY GRIEVANCE PROCEDURE

Section I. Grievances

- A. Definition: A grievance is a claim based upon an event or condition that affects the terms and conditions of employment. Such a circumstance must contain grounds for formal complaint with the expectation of change or correction. A grievance does not include dissatisfaction with University policy challenged on the ground that the policy is unfair or inadvisable.
- B. Any member of the General Assembly as defined under Section II, Membership, Part A has the right to initiate a grievance procedure with the "burden of proof" resting with that member, except in a grievance arising from the termination of a tenured faculty member and when a university official is required to perform a duty or meet a time limit, in which case the burden of proof shall rest with the University.

Section II. Grievance Procedure

- A. Before filing a grievance the member shall attempt to resolve the dispute through the University administrative structure. The President of the Faculty Senate shall be available to assist in this attempt.
- B. A grievance shall be initiated by the member (Grievant) by serving a written statement clearly specifying the charges to the Vice President of the Faculty Senate with a copy also directed to the Respondent, the party against whom the grievance is being filed. A grievance shall be filed within sixty (60) days¹ after the occurrence of the facts upon which it is based or within sixty (60) days after the faculty member knows or, through the exercise of reasonable diligence, should have known of the facts on which it is based.

The grievance statement shall state the facts upon which the grievance is based, the specific contractual or Handbook provision that was violated, specify the remedy sought, be dated, and signed by the grievant.
- C. The Vice President of the Faculty Senate, within five (5) days after the grievance is filed, shall call a meeting with both parties to hear verbal explanations of both sides of the matter. The meeting shall be held within ten (10) days of the filing of the grievance. The Vice President shall attempt to reconcile the differences and seek agreement. The Grievant or Respondent may, if either chooses,

¹The word "days" means calendar days and includes Saturdays, Sundays, school holidays and vacation periods. The day of the act or event from which a designated period of time begins to run shall not be included in computing any period of time. If the last day of a designated period falls on a Saturday, Sunday, school holiday, or vacation period, the period shall run until the end of the next day which is not a Saturday, Sunday, school holiday, or vacation period. The term "vacation period" does not include any period during the summer months in which school is in session nor does it include the week of final exams.

be assisted by a person from the University faculty/staff or other sources herein designated as academic counsel. While a grievant is entitled to legal counsel, cost of such will be the Grievant's responsibility.

- D. If the Grievant is not satisfied with the results of the informal resolution of the dispute, the Vice President of the Faculty Senate shall within five (5) days determine whether or not to activate a grievance committee. The Vice President of the Faculty Senate shall base this determination only on the following three criteria:
1. Does the complaint meet the definition of a grievance as stated in Section I, A above?
 2. Is the complaint significant?
 3. Does the grievance state the facts upon which the grievance is based, properly name the respondent(s), detail the specific contractual or Handbook provisions that were allegedly violated, and the remedy requested?

If the Vice President of the Faculty Senate determines not to activate a grievance committee, then the officer shall within fifteen (15) days of the filing of the grievance present a written explanation to the Grievant as to how the complaint fails to meet the above criteria.

- E. If the Vice President of the Faculty Senate does not activate a grievance committee; the Grievant may appeal to the Faculty Senate where a majority vote is required to override the Vice President's decision. The vote will be by secret ballot. The President of the Faculty Senate shall limit the discussion of the grievance to only the three criteria in Part D above. If the majority is against the Grievant, this terminates the grievance.
- F. The Vice President of the Faculty Senate shall randomly select five (5) eligible faculty members to serve on the Grievance Committee within fifteen (15) days of the filing of the grievance or within fifteen (15) days of the Faculty Senate's decision to override the Vice President's decision not to activate a grievance committee. Only tenured faculty who are not a party to the grievance (either a grievant or a respondent) shall be eligible to serve on a grievance committee. The Vice President shall arrange with and notify the parties in writing at least five (5) days in advance of the time and place of the drawing to name the committee.
- G. In selecting a grievance committee, the Vice President of the Faculty Senate shall randomly draw the names of five (5) faculty members eligible to serve on the committee. After five (5) names are drawn, the grievant and then the respondent (or academic counsel) shall state whether either wishes to disqualify any individual from service on the committee. The Vice President shall then draw a number of names equal to the number of disqualifications that were exercised. The parties shall then state whether either wishes to disqualify any individual from that group. This process shall continue until five (5) committee members have been selected. The grievant and each individual respondent (if there is more than one named respondent) may exercise no more than four (4) disqualifications. The exercise of disqualifications is a confidential matter which may not be disclosed by the parties. It is the duty of every tenured faculty member to serve on a grievance committee during a contract period, if nominated. Faculty members who have served on a previous committee within one year are ineligible to serve on the committee.
- H. A chair and a recorder shall be designated by the grievance committee from its own membership.

Section III. **Hearing Procedure**

- A. Conduct of the Hearings.
1. The Chairperson of the Grievance Committee shall preside and a majority of the Committee as well as the Grievant and Respondent or their respective Academic Counsel must be in attendance at the hearings (see below if one is absent).
 2. The Chairperson of the Committee shall inform in writing both the Grievant and the Respondent of the time and place for the hearing at least ten (10) days prior to the hearing.

3. The Grievant and Respondent shall provide the Chairperson and the opposing party a list of witnesses to be called at least five (5) days prior to the hearing.
4. The hearing shall be held within thirty (30) days of the selection of the committee membership. This time limit may be waived only with the written consent of all parties.
5. The hearing shall be closed. However, the grievant shall have the right to request an open hearing prior to the commencement of the proceedings. The granting of such request shall be at the discretion of the committee.
6. A taped and a written record of the hearing shall be kept.
7. Although both the Grievant and the Respondent or their Academic Counsel(s) must be in attendance at the hearing, neither party can be required to testify.
8. If either party or their Academic Counsel fails to appear for the formal hearing after receipt of notice according to the provisions contained herein, the Committee may rule for the opposite party by default.
9. Both parties may question witnesses to elicit pertinent information only. The party with the burden of proof shall present evidence first. Then the opposing party shall present evidence. The taking of rebuttal evidence shall be at the discretion of the Committee.
10. The Committee may question all witnesses about pertinent matters.
11. The Grievance Committee shall conduct the hearing to ensure that both parties have the opportunity to present their cases in full. Only committee members at the hearing may participate in the decision. The committee may set reasonable time limits for the presentation of evidence and argument by the parties.

Section IV. **Resolution of the Grievance**

- A. At the conclusion of the hearing, the Grievance Committee shall issue a report containing its findings of fact (those relevant facts which it found to be true), the specific contractual or Handbook provisions that is found to have been violated or a statement that it found that no such provisions were violated, and its recommendation as to the requested remedy.
- B. This report will be transmitted to the Vice President of the Faculty Senate, who shall make a report to the Faculty Senate within twenty (20) days of the close of the formal hearing. The Faculty Senate shall take action on the report at that time.
- C. The Faculty Senate will review the report to determine that it complies with the format specified in Part A above and to determine if the grievance committee's recommendation as to the requested remedy is appropriate. The Faculty Senate's decision regarding the report along with the report shall be forwarded by the Vice President of the Faculty Senate to the President of the University and to the parties within five (5) days of the Senate's consideration of the report.
- D. The President of the University will accept or reject the grievance committee's recommendation and shall notify the parties of the decision in writing, within ten (10) days of receipt of the report.

Section V. **Appeal**

The grievant or the respondent may request review of the President's decision by the Board of Regents. Such request must be made within ten (10) days of receipt of the President's decision. The Board, at its next scheduled meeting, will review and, by a majority of its quorum, will approve, reject, or amend the findings, recommendations, or suggestions of the Grievance Committee and the subsequent action taken by the President. Reasons for approval, rejection, or amendment will be stated in writing and given to the parties. Most appeals to the Board of Regents shall be handled by a review of the record of the Grievance Committee. In such circumstances, as the Board in its absolute discretion deems appropriate, the Board may consider oral arguments. The parties shall be allowed Academic Counsel for any such oral arguments.

VI. IDENTIFICATION OF PROBLEM AREAS IN WORKFORCE ANALYSIS

The University recognizes the need to increase its efforts in reviewing and addressing problem areas by organizational unit and job grouping.

The University continues to strive to prevent underutilization of females and minorities. Results in the Affirmative Action Analysis reflects a decrease or elimination of underutilization in 5 of the job groupings and has maintained utilization in either the female or minority listings, and in some cases both, in 5 of the groupings. This can be reviewed in the Affirmative Action Analysis.

Analysis of Annual Goal Attainment: This year's analysis in support of goal attainment reveals that of the 7 job categories, two categories show an underutilization existing in either the minority and/or female area. This represents approximately 25.58% of the job groupings.

Analysis of Applicant Flow and New Hires: This year's analysis of the applicant flow and new hires reveals that there were a total of 18 job categories of which 10 had openings. Within those 10 job categories total positions available were 51. Of the total 564 applicants, 115 were minority and 267 were female. Of the 49 total new hires 18 of those selected were males and 31 were females. Of the 31 females selected 16 were minority.

Analysis of Terminations: An analysis of the minority and/or female categories of terminated employees showed no significant problems.

Analysis of Promotions: An analysis of promotions within each job category of minority and/or female employees promoted within specified job groupings showed no significant problems.

VII. ACTION ORIENTED PROGRAMS

WNMU will continue to pursue affirmative action in its personnel decisions. The President's plan for WNMU is to make every good faith effort to eliminate underutilization of women or minorities.

The University has a series of programs presently in effect and will expand its efforts to emphasize and demonstrate the need for action-oriented programs that affect its Affirmative Action Program. WNMU will encourage active support of all action-oriented programs through the following steps:

A. RECRUITMENT

Hiring procedures will include checking all selection pools of qualified applicants for adequate pool representation of minorities and women.

Where under-utilization occurs during the year in any job group, the Human Resources Department will advertise in appropriate places, make special efforts to contact representatives of the field within the community and/or recruiting area, and will give additional attention to identifying possible female or minority candidates.

B. TRAINING

Search committees will be informed when underutilization exists in job categories so that specific actions can be taken when vacancies occur. The annual WNMU Job Group Analysis Report will also be discussed with Vice Presidents.

The University will continue to encourage all employees to participate in all programs available to them and to suggest others that will provide meaningful experiences.

The University will continue to encourage all employees to participate with and become involved on various councils, boards, seminars, workshops, and other groups designed to bring about equal employment opportunities.

C. MANAGEMENT

Affirmative action will be reaffirmed on behalf of the President and the management staff.

Personnel actions relative to gender and ethnicity will be continuously monitored to determine if changes in the WNMU Affirmative Action Plan are necessary. Changes will be made and acted upon as necessary.

D. COMMUNITY RELATIONS

Management staff will be encouraged to attend local, regional and national conferences or other events, develop and nurture contacts that can serve as resources in the recruitment of minority and female candidates for any future job opportunities.

The University will continue to publicize achievements of employees in local media to encourage the active recruitment of others to its workforce.

E. EMPLOYEE PROGRAMS

Presently implemented are the following employee programs:

1. A tuition Waiver is available to all employees of the university. This course offering is made available as an opportunity to improve their skills and education.
2. Adult Basic Education (ABE) is offered to gain English language proficiency or General Education Development (GED) diplomas.
3. Workshops are offered for employees at all levels in an effort to improve their skills in university related areas. These workshops include supervisory personnel as well as employees.
4. The University circulates job vacancies throughout the campus in order to better reach all employees seeking promotion and transfers.
5. An On-Line Payroll/Personnel System has been installed by the University in order to facilitate the record keeping activities essential to the institution. The on-line system assists both payroll and personnel in ensuring that all employment records are current and that any changes in the status of employees are immediately posted. The on-line system improves the University's capabilities in providing necessary information and further facilitates monitoring and reporting essential to the Personnel and EEO Offices.
6. Internet: The Personnel Office has implemented the on-line postings of all available Classified, Faculty and Professional job announcements. This process is currently being conducted by Personnel Staff and assists with advertisement of WNMU positions, as well as general information regarding employment at the University.

VIII. **PLAN ACCOMPLISHMENTS AND EVIDENCE OF GOOD FAITH EFFORTS**

During the previous years, the following activities were undertaken in support of the University's Affirmative Action Plan:

- A. The Equal Employment Officer conducts university search committee orientations. Feedback is provided and questions answered.
- B. Classified openings are reviewed for qualified female and minority applicants.
- C. The Personnel Office has implemented information on the web site via the university homepage. Included in this information is the Policy Statement on Equal Employment and Affirmative Action from the university President and the Western New Mexico University Policy Manual, which includes grievance procedures.
- D. Training:
 1. CUPA – HR Annual Conference with sessions targeting diversity on college campuses
 2. Annual EEOC Legal Update

The content of the training sessions encompassed search committee orientations and sensitivity-targeted sessions on sexual harassment, disability discrimination, hostile work environment, and related EEO topics.

IX. ADDITIONAL REQUIRED AFFIRMATIVE ACTION PLAN INGREDIENTS

A. Internal Audit Reporting System

It is the responsibility of the President to hold the respective management team responsible for carrying out affirmative action requirements. Annual reports are produced by the Affirmative Action office outlining action oriented programs that address the efforts made to correct the under-utilization of women and minorities in order to attain established goals within those areas. The Affirmative Action office reviews personnel actions regarding applicant flow, selection pool, layoffs and terminations as needed. Five other crucial areas may also be monitored to ensure that the University's nondiscriminatory policy is carried out:

1. Advertising
2. Recruitment
3. Screening committees
4. Time period allowed for search process
5. Documentation of process

Copies of the Affirmative Action Plan are forwarded to the WNMU Board of Regents.

X. RECRUITING, ADVERTISING, POSTING, AND COMMUNITY OUTREACH EFFORTS

A. Job Groups: Faculty, Professional Non-Faculty, and Administration

The following recruitment sources are examples of the types of activities which are relevant to goal attainment and are to be performed by the management staff when vacancies occur in positions within the job group listed above:

1. Formal Advertising and Postings may be placed by the Department of Human Resources:

NAME

- WNMU Web-Site
- Chronicle of Higher Education
- The Albuquerque Journal
- The El Paso Times
- Las Cruces Sun News
- Silver City Daily Press
- Deming Headlight
- Lordsburg Liberal
- Western New Mexico University Bulletin Boards & Departments

2. Postings may be placed and networking efforts: mail, telephone, or word of mouth contacts are to be made to the following individual, professional organizations and institutions/employers intended to solicit applicants:

NAME	ADDRESS	TELEPHONE
<u>Nat'l Indian Ed. Assoc.</u>	<u>2021 Arlington Av, Wash DC</u>	<u>326-6262</u>
<u>The Hispanic Hotline,</u>	<u>PO Box 163510, Sacramento, CA</u>	<u>448-7594</u>
<u>EEO,</u>	<u>6100 Wilshire Blvd, Los Angeles, CA</u>	<u>937-7070</u>
<u>HACU,</u>	<u>4204 Gardendale St., Ste 216, San Antonio, TX</u>	<u>692-3805</u>
<u>Hispanic Outlook,</u>	<u>PO Box 68, Paramus, NJ</u>	<u>1-800-396-3373</u>

3. Community Outreach Efforts:

Mail, telephone or word-of-mouth contacts to be made to the following mandatory state agencies, community based organizations and individuals inviting their assistance with recruitment efforts:

NAME	ADDRESS	TELEPHONE
	<u>NM Dept. of Labor, 410 W. Broadway, Silver City, NM</u>	<u>538-3737</u>

B. JOB GROUPS: Clerical, Technical, Skilled Crafts, and Maintenance

The following recruitment sources are examples of the types of activities which are relevant to goal attainment and are to be performed by the management staff when vacancies occur in positions within the job group listed above:

1. Formal Advertising and Postings may be placed by the Department of Human Resources:

NAME

WNMU Web-Site
Chronicle of Higher Education
The Albuquerque Journal
The El Paso Times
Las Cruces Sun News
Silver City Daily Press
Deming Headlight
Lordsburg Liberal
Western New Mexico University Bulletin Boards & Departments
AcademicCareers.com
HigherEdJobs.com
Human Resources Office

2. Postings may be placed and networking efforts: mail, telephone, or word of mouth contacts are to be made to the following individual, professional organizations and institutions/employers intended to solicit applicants:

NAME	ADDRESS	TELEPHONE
	<u>Nat'l Indian Ed. Assoc. 2021 Arlington Av, Wash DC</u>	<u>326-6262</u>
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	<u>HACU, 4204 Gardendale St., Ste 216, San Antonio, TX</u>	<u>692-3805</u>
	<u>Hispanic Outlook, PO Box 68, Paramus, NJ</u>	<u>1-800-396-3373</u>

3. Community Outreach Efforts:

Mail, telephone or word-of-mouth contacts are made to the following mandatory state agencies, community based organizations and individuals inviting/requesting their assistance with recruitment efforts:

NAME	ADDRESS	TELEPHONE
	<u>NM Dept. of Labor, 410 W. Broadway, Silver City, NM</u>	<u>538-3737</u>

XI. WORKFORCE UTILIZATION ANALYSIS

WNMU's Affirmative Action Office conducts an annual analysis of the WNMU workforce.

The methodology used to establish workforce, utilization and availability analysis are described in this section along with a description of the process used in establishing employment goals. The development of these data enabled the university to proceed through computation in order to arrive at the analysis essential to the Affirmative Action Plan.

The workforce data was established by placing all university job titles into one of the following EEO-6 categories:

1. Executive/Administrative/Managerial
2. Faculty
3. Professional
4. Secretarial/Clerical
5. Technical/Paraprofessional
6. Skilled Crafts
7. Service/Maintenance

From these categories specific job groups were established. Based on these categories a workforce analysis was produced by sorting all positions in the sequence of: department, EEO-6 category, job grouping, salary, sex, race and ethnicity.

Availability needs for the university fall into three areas: national, state and local, dependent upon the appropriate recruiting area having requisite skills for the group compared. The data have been obtained from various sources, and necessary computations are applied in order to arrive at availability figures.

Utilization groups were developed by combining positions with similar duties, responsibilities and qualifications into job groupings.

Availability data is compared with utilization data to determine if an underutilization exists, and the increase in the number of persons in a job group necessary to eliminate underutilization is .5 person or greater, goals are developed to reduce the declared underutilization.

The current workforce analysis is at the appendix.

The workforce analysis for 2007-2008 identifies that WNMU is at parity in all but one job group for women and minorities. The workforce analysis of underrepresented minorities and/or women is completed on an annual basis and is reviewed and updated continuously. Within the faculty group, 9 academic subgroups have been identified which includes women and minorities. Specific academic discipline areas for recruitment and placement of qualified candidates are identified in the Faculty Worksheet for Availability and Ethnicity.

Within the Faculty job group, women and minorities are at parity as a whole. Within the 9 academic subgroups, 4 academic areas are at parity for women and minorities and 5 academic areas are underrepresented in minorities and/or women.

Math/Computer Science – goal of 1 minority
Applied Technology – goal of 1 female
Social Science/Social Work – goal of 1 minority
Expressive Arts – goal of 1 female
Natural Science – goal of 1 female and 1 minority

Within the Administrative job group, women and minorities are at parity.
The Professional non-faculty job group is at parity in women and minorities.
The Clerical/Secretarial job group is at parity in women and minorities.
The Technical job group has an underutilization of 3 women.
The Skilled Craft job group is at parity in women and minorities.
The Maintenance job group has an underutilization of 1 woman.

XI. APPENDIX

A. EEO-6 CATEGORY DESCRIPTIONS

B. GLOSSARY OF TERMS

C. STATUTORY PROHIBITIONS AGAINST DISCRIMINATION IN EMPLOYMENT, PROGRAMS,
AND ACTIVITIES OF THE WNMU BOARD OF REGENTS

D. FORMS

1. Handicapped, An Invitation To Self-Identification
2. Confidential Voluntary Affirmative Action Survey
3. Affirmative Action/EEO Grievance Form
4. First Line Supervisor Form

E. WORKFORCE UTILIZATION ANALYSIS AND ESTABLISHMENT OF GOALS

1. Job Group Analysis – Staff/Faculty Utilization, Availability and Goals
2. Job Group Analysis – Staff Workforce Analysis by Job Category
3. Job Group Analysis – Staff Workforce Comparisons by State and County
4. Job Group Analysis – Staff Availability Analysis Factor Forms
5. Job Group Analysis – Faculty Workforce Analysis by Department
6. Job Group Analysis – Workforce by Title, Ethnicity, and Gender
7. Retirees, Terminations, and Promotions
8. Job Group Analysis – Faculty Workforce Comparisons
9. Faculty Availability Analysis Factor Forms
10. Analysis of Applicant Flow and New Hires
11. Internal Workforce Analysis for July – September 2004

A. EEO-6 CATEGORY DESCRIPTIONS

1. **Executive/Administrative/Managerial**

Includes appointed persons whose assignments require primary (and major) responsibility for management of the institution, or a customarily recognized unit or subdivision thereof. Assignments require the performance of work directly related to management policies or general business operations of the institution, department or subdivision, etc. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise discretion and independent judgment, and to direct the work of others. Report in this category all officers holding such titles as President, Vice President, Dean, Director, or the equivalent, as well as officers subordinate to any of these administrators with such titles as Associate Dean, Assistant Dean. Supervisors of professional employees are included here, while supervisors of nonprofessional employees (technical, clerical, craft, and service/maintenance) are reported within the specific categories of the personnel they supervise.

2. **Faculty (Instruction/Research/Public Service)**

Includes all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and who hold academic-rank titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any of these academic ranks.

3. **Professional Non-Faculty**

Includes persons employed for the primary purpose of performing academic support, student service and institutional support activities and whose assignments would require either college graduation or experience of such kind and amount as to provide a comparable background.

4. **Clerical and Secretarial**

Includes all persons whose assignments typically are associated with clerical activities or are specifically of a secretarial nature. Include personnel who are responsible for internal and external communications, recording and retrieval of data (other than computer programmers) and/or information and other paper work required in an office, such as bookkeepers, stenographers, clerk typists, office-machine operators, statistical clerks, payroll clerks, etc. Include also sales clerks such as those employed full time in the bookstore, and library clerks who are not recognized as librarians.

5. **Technical and Paraprofessional**

Includes all persons whose assignments require specialized knowledge or skills which may be acquired through experience or academic work such as is offered in may 2-year technical institutes, junior colleges or through equivalent on-the-job training. Include computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed practical or vocational nurses, dietitians, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science), and similar occupational-activity categories but which are institutionally defined as technical assignments.

Includes persons who perform some of the duties of a professional or technician in supportive role, which usually require less formal training and/or experience normally required for professional technical status.

6. **Skilled Craft**

Includes all persons whose assignments typically require special manual skills and a thorough and comprehensive knowledge of the processes involved in the work, acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes mechanics and repairers, electricians, stationary engineers, skilled machinists, carpenters, compositors and typesetters, upholsterers.

7. **Service/Maintenance**

Includes persons whose assignments require limited degrees of previously acquired skills and knowledge and in which workers perform duties which result in or contribute to the comfort, convenience and hygiene of personnel and the student body or which contribute to the upkeep and care of buildings, facilities or grounds of the institutional property.

B. GLOSSARY OF TERMS

Affirmative Action: Specific and measurable programs which are required by laws and regulations to ensure that minority group members, women, disabled persons, and Vietnam era or disabled veterans be brought into the mainstream of the employment population in order that the composition of staff, at the Central Office be representative of the relevant employment market.

American Indian or Alaskan Native: A person having origins in any of the original peoples of North America who maintains cultural identification through tribal affiliation or community recognition. This includes Native American Indians, Alaskan Aleuts, Eskimos and Indians.

Asian or Pacific Islander: A person having origins in any of the original peoples of the Far East, Indian subcontinent, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, Samoa, the subcontinent of India and the Indo-China Peninsula and nearby islands, as well as Pakistan, Bangladesh, Sri Lanka, Sikkim and Bhutan.

Availability: The estimated proportion of minorities and females in the labor market for a given job group. Availability estimates are derived from census data for a give recruitment area.

Black: Black, not of Hispanic origin. A person having origins in any of the black racial groups of Africa who is also not of Hispanic origin.

Civil Rights Act of 1964: A federal law that prohibits an employer to refuse to hire, discharge or otherwise discriminate against a person with respect to his or her compensation, terms, conditions or privileges of employment due to the employee's race, color, religion, sex, or national origin.

Disabled/Handicapped: Any person who (1) has a physical or mental impairment that substantially limits one or more of his/her major life activities; (2) has a record of such impairment; (3) is regarded as having such an impairment. (Major life activities are defined as caring for oneself, performing manual tasks, walking, speaking, breathing, learning, and working.)

Special Disabled Veteran: According to the Amendments to the Vietnam Era Veterans Readjustment Assistance Act of 1974 a special disabled veteran is: a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans' Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of this title to have a serious employment handicap, or a person who was discharged or released from active duty because of a service connected disability.

Disparity: Under-utilization of minorities and/or females, specifically the difference between existing representation and what could be reasonably expected in the appropriate labor source pool.

Equal Employment Opportunity: A condition that requires employers to provide all individuals the same employment opportunities regardless of sex, race, color, religion, age, handicap, veteran status, or national origin based on job-related standards. It is also defined as the right of individuals to treatment based on job-related criteria in all employment practices, programs, and activities of the university. State and federal laws and regulations prohibit employment discrimination on the basis of race, color, religion, national origin, sex, age, handicap, or veteran status.

Job Group: An aggregation of job titles with similar job content, wage rates, promotional, and recruitment opportunities.

Job Relatedness: Any criterion used to determine whether a person is qualified for a given job should measure directly a person's ability to do the job.

Goals: In affirmative action programs, targets are set in order to achieve a work force representative of the external labor market; i.e.. Goals are targets set where under-utilization of women and minorities exists and where the employer makes every good faith effort to correct the under-utilization. Goals can also represent the percent of protected class persons available in the relevant labor market. An organization practicing affirmative action continually strives to have its organization reflect the relevant labor market. Therefore, goals signify those areas for which extra recruitment efforts will be made to attract members of underutilized groups.

Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin. Only those persons of Central or South American countries who are of Spanish origin, descent, or culture should be included in this classification. Persons from Brazil, Guyana, Surinam, or Trinidad, for example, would be classified according to their race and would not necessarily be included in the Hispanic classification. In addition, this classification does not include persons from Portugal, who should be classified according to race.

Minority: A person classified as Hispanic, Black, Asian or Pacific Islander, or Native American. (Also, see protected classes.)

Parity: A condition in which the percentage participation of protected classes in an organization (and/or its units, job classes, etc.) is identical to the equivalent percentages in the external labor area. There are four kinds of parity:

1. Population Parity - A comparison of the percentage of protected classes in an organization with their percentage in the general population.
2. Occupational Parity - A comparison of the percentage of the protected classes in distinct occupational categories in the organization with the percentage of these classes in the same categories in the appropriate external labor force.
3. Comparative Parity - A comparison of an organization's utilization of the protected classes with other organizations in the same field.
4. Labor Force Parity - A comparison of an organization's utilization of the protected classes with the representation of those classes in the civilian labor force in the relevant geographic area.

Protected Classes - Legally identified groups that are specifically targeted for affirmative action. The protected classes are as follows:

1. Minority - A person classified as Hispanic, Black, Asian or Pacific Islander, or Native American or Alaskan native.
2. Disabled Handicapped Individual - According to Title I of the Americans with Disabilities Act of 1990, an individual with a disability is a person who (1) has a physical or mental impairment that substantially limits one or more of his/her major life activities; (2) has a record of such impairment; and/or (3) is regarded as having such an impairment. (Major life activities are defined as caring for oneself, performing manual tasks, walking, speaking, breathing, learning, and working.)
3. Special Disabled Veteran - According to the Amendments to the Vietnam Era Veterans Readjustment Assistance Act of 1974 a special disabled veteran is: a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans' Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of this title to have a serious employment handicap, or a person who was discharged or released from active duty because of a service connected disability.
4. Veteran of Vietnam Era - A person who (1) served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was discharged or released there from with other than a dishonorable discharge, or (2) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975, and who was so discharged or released within 48 months preceding the alleged violation of the Vietnam Era Veterans' Readjustment Acts of 1972 and 1974 and regulations (as amended), and the affirmative action clause.
5. Females/Women

Quotas - Restriction of employment or developmental opportunities to members of a particular group by establishing a required number of proportionate representation which employers are mandated to attain. Only courts can legally apply quotas on employers. Goals and quotas are not the same. Quotas are required; goals are not required, but are targets to hire or promote.

Reasonable Accommodation - An adjustment in job structure or environment which permits a person with mental or physical limitations to fulfill the requirements of that job. Examples of reasonable accommodations are remodeling to make facilities accessible to disabled persons, job restructuring, part-time or modified work schedules, and modification of equipment.

Recruitment - Actively seeking qualified and/or qualifiable persons for employment. A basic affirmative action tool in increasing representation of protected group members in the agency's work force.

Target Groups - A protected class on which a hiring unit is to focus in their affirmative action efforts as determined by the under-

utilization of that protected class in the work force.

Systemic Discrimination - Denial of equal employment opportunities through some established and non-job related business policy, practice, or activity, rather than a specific overt action directed against an individual.

Under-utilization - Having fewer minorities and/or women in a particular job group than would be expected given their estimated availability in the relevant recruitment area.

Utilization - A profile of the work force by job group. The utilization analysis examines whether Blacks, Hispanics, Asians, Native American, and women are included in the work force to match their estimated availability in the relevant recruitment area.

White/Anglo, Caucasian, not of Hispanic Origin - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East who is not of Hispanic origin.

C. Statutory Prohibitions Against Discrimination in Employment, Programs, and Activities of the WNMU Board of Regents

Federal and state laws and regulations include but are not limited to:

Civil Rights Act of 1964, as amended

1. Title VI (Students)
2. Title VII (Employment)
3. Pregnancy Act (Amendment of 1978)

Title IX of the Education Amendments of 1972, as amended

Civil Rights Act of 1991

Executive Orders, as amended, and regulations

1. Number 11246
2. Revised Order Number 4

Vocational Rehabilitation Act of 1973, and regulations

1. Section 503
2. Section 504

Americans with Disabilities Act of 1990

Vietnam Era Veterans' Readjustment Acts of 1972 and 1974 and regulations, as amended

Equal Pay Act of 1963 and regulations

Age Discrimination Acts

1. Age Discrimination Act of 1975 and regulations
2. Age Discrimination in Employment Act of 1967, as amended in 1978

EEOC Uniform Guidelines on Employee Selection Procedures 1978 (Testing)

EEOC Guidelines on Sexual Harassment 1990

New Mexico Human Rights Act

Supreme Court Decision No. 85-1127 (P. Johnson v. Transportation Agency, Santa Clara County, California, et al).

Sex and race may be taken into account in making employment decisions where there is a manifest imbalance of women and minorities in the work force, and is fully consistent with Title VII.