

MEMORANDUM

Date: April 2, 2025

To: UNM Board of Regents

Thru: Garnett S. Stokes, President

From: Barbara Rodriguez, Senior Vice Provost, Employment RRT Co-Lead
Kevin Stevenson, VP for Human Resources, Employment RRT Co-Lead

Cc: Daniel Jones, General Counsel
Terry Babbitt, Chief of Staff

Re: Request for Revisions to Regents Policies 2.3 and 6.2

On January 21, 2025, President Trump revoked Executive Order 11246, the foundational executive order from 1965 which established affirmative action processes in hiring for federal contractors. This revocation, coupled with explicit guidance from the Office of Federal Contractor Compliance Programs (OFCCP), impacts the technical requirements UNM must follow with respect to its employment practices, affirmative action practices based on gender, race, or ethnicity.

In response, we are providing for your consideration revisions to RPM 2.3: Equal Opportunity, Affirmative Action, Anti-Harassment, and Anti-Retaliation and RPM 6.2: Hiring, Promotion, and Transfer. The revised policies as proposed continue to ensure that UNM's employment practices – including hiring, promotion, and compensation, are equitable, fair, and non-discriminatory in accordance with applicable law.

Thank you for your consideration of this request, and please let me know if you need any additional information.



Frequently Asked Questions

Revisions to UAP 2720 and UAP 3210

Updated April 11, 2025

1. Why is UNM modifying its affirmative action policies?
 - a. On January 21, 2025, President Trump issued Executive Order 14173: Ending Illegal Discrimination and Restoring Merit-Based Opportunity, which formally revoked Executive Order 11246, the foundational executive order from 1965 that introduced affirmative action obligations for federal contractors. This revocation of EO 11246 (1965), coupled with explicit guidance from the Office of Federal Contractor Compliance Programs (OFCCP), creates a specific and actionable requirement that UNM adjust aspects of our employment policies that originate from EO 11246 (1965).
2. Why is the all-campus review and comment period shorter than the typical 30 days?
 - a. In revoking EO 11246, EO 14173 states that “for 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025,” or April 21, 2025. As a result, the proposed policy changes have been posted consistent with UAP 1100, section 3, which states that “comment periods may be shorter or longer if there is a compelling legal, administrative, or business need”.
3. UAP 2720 referenced both affirmative action and equal opportunity. Is UNM making changes to its equal opportunity policies or procedures?
 - a. Equal Opportunity provisions are unchanged in UNM policy 2720, and must still be considered in recruitment, hiring, promotion, and benefits. Additionally, every provision of anti-discrimination law related to protected statuses including race, sex, gender, gender identity, sexual orientation, religion, age, veteran status, disability, national origin, ancestry, etc. enshrined by Title VII of the Civil Rights Act and the New Mexico Human Rights Act, still exist in UAP 2720. As a result, UNM is still obligated to ensure compliance with applicable anti-discrimination laws as they relate to hiring, promotions, opportunities, benefits, and pay.
4. Does this change UNM’s efforts to recruit broad and representative applicant pools?

- a. The University remains committed to achieving an excellent workforce that reflects the rich and varied cultures of the peoples of New Mexico and beyond. UNM continues to prioritize the recruitment of the best qualified candidates, matching the qualifications of the candidates to the needs and expectations of the hiring units, and ensuring fair, equitable, and unbiased treatment of all candidates in the recruitment and hiring process, in keeping with the University's commitment and obligation to equal employment opportunity and anti-discrimination principles.
5. Does this change impact UNM's efforts to proactively recruit veterans or individuals with disabilities?
 - a. No – UNM's obligations under the Vietnam Era Veterans Readjustment Assistance Act (for veterans) and Section 503 of the Rehabilitation Act (for individuals with disabilities) remain intact, and UNM continues its commitment to affirmative action principles and practices (such as the Veterans Preference Program) for these individuals.
6. Why was the CEEO "Discrimination Grievance Procedure" changed to "CEEO Grievance Procedure" in UAP 2720, Section 10?
 - a. The grievance procedure is the document that sets forth the process for informally and formally addressing claims of discrimination and other related misconduct. For example, the grievance process is used to address claims of discrimination but is also used to address claims of stalking and domestic violence between a parent and child - conduct not considered discrimination.
7. In UAP 2720, Section 8.1, why was the term "significantly" changed to "substantially"?
 - a. "Significantly" was changed to "substantially" because substantial is the term used in the Americans with Disabilities Act, which is the law that informs reasonable accommodation.

Regents' Policy Manual - Section 2.3: Equal Opportunity, Affirmative Action, Anti-Discrimination, Anti-Harassment, and Anti-Retaliation

Adopted Date: 09-12-1996

Amended: 06-17-2019

Amended: 08-13-2019

1. Applicability

This policy applies to all University students, employees, and applicants.

2. Policy

The University has an enduring commitment to support equality of employment and educational opportunity by ~~promoting a~~supporting our diverse environment ~~free from and prohibiting~~ unlawful discrimination and harassment. The University respects and celebrates the differences of all persons and understands the importance of a collaborative environment that prioritizes inclusive excellence and a shared sense of belonging. The University forbids unlawful discrimination and harassment based on considerations of race, color, age, ancestry, national origin, gender identity, genetic information, serious medical condition, ~~mental/physical~~ disability, pregnancy, religion, sex, sexual orientation, spousal affiliation, or veteran status.

2.1. Equal Employment Opportunity

University policy, state and federal law, and regulations forbid unlawful discrimination based on the considerations mentioned in Section 2 above in recruiting, hiring, training, promoting, and all other terms and conditions of employment. Personnel policies will be administered without regard to those considerations, except when one of these is a bona fide occupational qualification. The University strives to assure equal access to all programs, facilities, and services.

2.2. Equal Educational Opportunity

The University is committed to providing equal educational opportunity and forbids unlawful discrimination on the basis of the considerations mentioned in Section 2 above. Equal educational opportunity includes admission, recruitment, academic activities, student support services, extracurricular activities, facilities, financial assistance, housing, health and insurance services, and athletics.

2.3. Affirmative Action

The University is committed to inclusive excellence. The University believes that to a program of affirmative action to increase access by, and participation of, traditionally underrepresented populations in the University's work force and educational programs. A our diverse workforce and student body, broadly defined to include varied socioeconomic backgrounds, cultures, language fluency, first generation college students, and those living in rural New Mexico, -are absolutely essential to fulfilling the University's education, research, and public service missions and in service to serve our state's diverse communities. In support of this commitment, the University shall adhere to applicable law with regard affirmative action requirements.

~~With respect to the workforce, in the case where a vacant position falls within a job group which is determined to have underutilization, the hiring official gives preference for selection to a finalist who is a member of the underutilized group, provided that finalist's qualifications and past performance are substantially equal to or exceed the other finalists' qualifications.~~

~~With respect to student admissions, the University defines diversity broadly to include, in addition to the traditionally underrepresented populations, such categories as socioeconomic background, culture, language fluency, first generation college students, veteran status, and living in rural New Mexico.~~

2.4. Reasonable Accommodation

The University makes reasonable accommodations for the religious observances, limited English pProficiency, and national origin practices, pregnancy and related conditions, as well as ~~the known physical or mental~~ disabilities, of students, prospective students, employees, prospective employees, or program users, unless such accommodations fundamentally alter a program, service, or the essential functions of a job, excessively burden faculty, or place an undue hardship on the operation of the University. Employees or program users with disabilities should contact the Office of Compliance, Ethics, and Equal Opportunity, and students with disabilities should contact the Accessibility Resource Center for information regarding accommodations.

2.5. Anti-Harassment and Anti-Discrimination

The University strives to create and maintain an atmosphere free from all forms of unlawful discrimination, harassment, exploitation, or intimidation in employment and educational settings. The University prohibits harassment of employees and students on the basis of the considerations mentioned in ~~the~~ Section 2 above. The University makes special efforts to eliminate both overt and subtle forms of sexual harassment, sexual violence, and misconduct, as those terms are defined in UAP 2740. In fulfilling its dual roles of educating and providing public service, the University can and must demonstrate leadership in educating all members of its community about appropriate behavior.

2.6. Anti-Retaliation

Retaliation against any individual for bringing a complaint alleging non-compliance with this or any other policy or for participating in an investigation or hearing is strictly forbidden.

3. References

- Title VI and VII of the Civil Rights Act of 1964
- Title IX of the Educational Amendments of 1972
- Americans with Disabilities Act
- Sections [503 and](#) 504 of the Rehabilitation Act of 1973
- ~~Executive Order 11,246 of September 24, 1965 (“Equal Employment Opportunity”), as amended by Executive Order 13672 of July 21, 2014 (added sexual orientation and gender identity)~~
- [The Vietnam Era Veterans Readjustment Assistance Act \(1974\)](#)
- NMSA 1978, § 28-1-1 et seq. (“New Mexico Human Rights Act”)
- NMSA 1978, § 28-22-1 et seq. (“New Mexico Religious Freedom Restoration Act”)
- [UAP 2200 \(“Reporting Suspected Misconduct and Whistleblower Protection from Retaliation”\)](#)
- [UAP 2215 \(“Consensual Relationships and Conflicts of Interest”\)](#)
- [UAP 2720 \(“Prohibited Discrimination and Equal Opportunity”\)](#)
- [UAP 2740 \(“Sexual Misconduct”\)](#)

Regents' Policy Manual - Section 6.2: Hiring, Promotion and Transfer

Adopted Date: 09-12-1996

Applicability

This policy applies to all staff employees of the University, but does not apply to faculty, athletic coaches, or student employees.

Policy

All hiring, promotion, and transfer of staff employees shall be based on training, experience, and past performance, in accordance with the University's equal employment opportunity ~~and affirmative action~~ policy. ~~Subject to the University's policy on underutilization:~~ Employees of the University shall be given preference for promotion or transfer over outside applicants if their qualifications, ability, and past performance are substantially equal as determined by the University; seniority in UNM employment shall be given weight when two or more employees possess qualifications which are substantially equal as determined by the University; and New Mexico residents shall be given preference in hiring if their qualifications, ability, and past performance are substantially equal as determined by the University.

Implementation

The President shall adopt administrative policies and procedures to implement this policy which shall be published in the University Business Policies and Procedure Manual.

References

~~See Policy on RPM 2.3 "Equal Opportunity and Affirmative Action, Anti-Discrimination, Anti-Harassment, and Anti-Retaliation." for Employees and Students, 2.3 (contains the University's policy on underutilization).~~

[UAP 3210 \("Recruitment and Hiring"\)](#).