



## THE NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY

### **Affirmative Action Plan 2004**

#### **Section 1**

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### **Dissemination of the Policy**

#### **Policies of Equal Opportunity and Affirmative Action**

New Mexico Tech is firmly committed to a policy of nondiscrimination on the basis of race, color, sex, religion, ancestry, age, national origin, physical or mental disability or veteran status. Any evidence of actions or procedures inconsistent with this policy should be brought to the attention of the Office of Affirmative Action and Compliance.

The Institute is committed to equal employment opportunity and affirmative action in all of its personnel policies and procedures.

Equal opportunity refers to the right of every person to be judged on the basis of relevant skills, experience, and training; not on the basis of irrelevant criteria such as sex, age, ethnic background, handicap, disability or veteran status.

To help ensure nondiscriminatory practices, New Mexico Tech has a Director of Affirmative Action and Compliance who reports directly to the President of the Institute. Achieving equal opportunity requires more than the work of this director, it requires the active cooperation and awareness of every person with supervisory responsibility. It is the policy of New Mexico Tech to make every effort to find highly qualified applicants of both sexes and various ethnic groups. It is also the Institute's policy to provide advancement opportunities for these employees whenever possible, and to take affirmative action with regards to recruitment and employment of qualified women and minorities.

In the long run, meeting the letter of the law and the strict requirement of our policies will not be enough. We will be judged and we should judge ourselves by our actual success in achieving our goals. Tech will continue to analyze its personnel actions to assure compliance with this affirmative action policy, Title VII of the 1964 Civil Rights Act as amended, Executive Order 112436, the Americans with Disabilities Act, the New Mexico Human Rights Act and all other applicable civil rights laws to measure progress toward its established goals.

Employees with questions or suggestions about affirmative action should contact:

Edmund L. Trujillo, Director  
Affirmative Action and Compliance Office  
Cramer 232  
835-5165

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Daniel H. López, President

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Date

## **External Dissemination**

The basic provisions of the Equal Employment Opportunity/Affirmative Action Program require continual dissemination of the Institute's participation both on and off campus through both verbal means and printed media. Such coverage includes, but is not limited to the following items.

- Sources for potential students or employees are made aware of the Institute's participation in and adherence to the Equal Employment Opportunity/ Affirmative Action Program.
- The Equal Employment Opportunity/ Affirmative Action clause is included on all orders, leases, contracts, bid requests, applications, brochures, catalogs, and any other similar material scheduled for distribution outside the Institute.
- The Institute annually provides a written statement of the Institutes policy to minority and women's organizations, community agencies, leaders, educational guidance counselors, and schools.

## **Dissemination of the Policy**

### **Internal Dissemination**

In keeping with the administration's policy of equal opportunity through affirmative action, the program guidelines are disseminated throughout the Institute as follows:

- The policy statement and the basic provisions of the Affirmative Action Program (with reference to the complete program) are printed in the New Mexico Tech Employee Handbook distributed to all personnel.
- New Mexico Tech's support of the Equal Employment Opportunity/ Affirmative Action Program is regularly reaffirmed through exposure in "SCOPE", the campus newsletter, in articles and pictures submitted to the student run campus newspaper, Pay Dirt, and in other publications prepared for dissemination to the employees and students (course catalog, recruitment brochures for students, etc.).
- The President once per semester at Cabinet meetings discusses the intent of the policy and individual responsibility for effective implementation, making clear each administrator's position of support. Further, each administrator is instructed to discuss these responsibilities with key individuals reporting to them.
- Communications are directed to all employees to familiarize them with the Affirmative Action Program and to inform employees of opportunities and responsibilities under affirmative action.
- Policy objectives and requirements are discussed in employee orientation sessions.
- Bulletin boards throughout the Institute convey the Equal Employment Opportunity/Affirmative Action Policy. New Mexico Human Rights Commission and the Office of Federal

Contract Compliance Programs posters are also displayed as are timely bulletins and notices concerning equal opportunity and nondiscrimination.

- The Institute periodically holds training seminars on affirmative action, relevant laws, etc., directed at all Tech staff, in order to increase awareness and sensitivity.

# Responsibilities for Implementation

The Director of Affirmative Action and Compliance is directly responsible for the developments and implementation of the Equal Employment Opportunity/Affirmative Action Program. The Director of Affirmative Action and Compliance reports directly to the president of the Institute and is given top management support and reasonable staff necessary to discharge the responsibilities and duties of the office. The name of the Director of Affirmative Action and Compliance appears on all communications, internal and external, which deal with the Institutes' Equal Employment Opportunity/Affirmative Action Program.

The Director of Affirmative Action and Compliance will monitor and review the Institute's Equal Opportunity/Affirmative Action Plan.

The responsibilities of the Director of Affirmative Action and Compliance include, but are not necessarily limited to, the following:

## Direct Responsibilities

- Coordinating efforts toward developing and distributing Equal Employment Opportunity/ Affirmative Action policy statements; maintaining the Institute's Equal Employment/Affirmative Action Program; and disseminating Institute policy internally.
  - Contributing to the identification of problem areas, including underutilization of minorities and women, by semiannual review of utilization data and review of the effectiveness of all areas of the Institute's Affirmative Action Program. It also includes maintaining up-to-date availability figures for minority and non-minority men and women and developing separate availability analyses for minority and female employees. It further requires separate analysis of salaries, promotions, tenure and physical location of employment for minority and non-minority men and women in January and June of each year.
- Implementation of these analyses is done within the framework of standardized job titles, job descriptions, and procedures governing employment practices. The director of Affirmative Action and Compliance coordinates with managers, as necessary, to achieve such standardization.
- Working with New Mexico Institute of Mining and Technology management to develop ways of correcting deficiencies and of achieving program goals. This includes informing management of ways used successfully by other organizations to correct deficiencies and working with management through meetings and with concerned agencies through conferences and letters to develop new and innovative recruiting methods to reach and hire minorities, females, the handicapped and veterans. Regular discussions with academic and non-

academic managers will be held to assure that the Equal Employment Opportunity/Affirmative Action Policy is being adhered to and that they understand that evaluation of their own work performances will include their efforts on behalf of equal employment opportunity/affirmative action objectives.

- Coordinating with all departments and management personnel to design and implement a system of information flow and auditing that will achieve the following:
  - ❖ Provide measures of the effectiveness of every aspect of the Institute's Affirmative Action Program.
  - ❖ Highlight deficiencies and weaknesses in the program so that the need for corrective action becomes apparent.
  - ❖ Provide comparisons between goals and achievements which indicate the degree to which the goals have been attained.
- Maintaining contact with the New Mexico Human Rights Division, the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance, which are responsible for enforcing equal opportunity/affirmative action regulations, and serving as liaison between these agencies and the Institute.
- Maintaining active and continuous contact with organizations and agencies concerned with rights and opportunities for minorities and females. Assuring that such groups are informed of activities and decisions within the Institute relative to minority and female employment and serving as liaison between these groups and the Institute.
- Staying informed of new development changes in Affirmative Action regulations, up-to-date availability data and all other areas relative to Affirmative Action matters. Communicating through memo, discussing these items with management and seeking ways to keep all employees informed of changes which will affect their employment opportunities.

## **Line Responsibilities**

The Director of Affirmative Action and Compliance works with and assists managers and supervisors (including academic department heads) in fulfilling their Equal Employment Opportunity/Affirmative Action responsibilities within their departments. These responsibilities include:

- Identifying departmental deficiencies and problem areas and formulating departmental goals and objectives. Both long-range and short-range goals are established through analysis and written communication with department supervisors, and methods for attaining these goals are developed. This involves results of salary, promotion and physical location analyses which are conducted as part of a review.
- Contacting by letters, meetings, and other involvement with local organizations concerned with minority and female issues. Community action groups and service programs are supported to further employment opportunities and benefits for underutilized groups. Reasonable liaison is maintained between the Institute and minority organizations and other groups concerned with employment opportunities for minorities and women.
- Reviewing and auditing departmental patterns of recruitment. Training programs, promotion, hiring and other affirmative action activities. Discussions with supervisors are aimed at finding ways to effectively achieve equal employment opportunity/ affirmative action goals.
- Providing memos to supervisors whenever vacancies occur to be certain that they understand the Institute's Equal Employment Opportunity/ Affirmative Action Policy and that they are meeting its requirement.
- Providing the opportunity for career counseling through the human resources office for all employees informing them of their options for advancement and job alternatives. Employees are informed of the availability of career counseling through discussion, by publishing information on career counseling in the Institute bulletin "SCOPE" and by posting information on bulletin board containing Affirmative Action and Equal Employment Opportunity information.
- Instituting regular inspection, audit and review procedures assuring that every physical location and department area complies with those specific regulations which apply. These include:
  - ❖ Display of Institute policy statement, EEOC, OFCCP and NMHRD posters and job opportunity notices.
  - ❖ Equal opportunity and equal encouragement to participate in cultural, educational, social and training activities.
- Making supervisors aware that their effectiveness in supporting and promoting an Equal Opportunity/ Affirmative Action Program and its goals is one of the criteria by which their work performance is evaluated.
- Informing supervisors and management personnel that they are responsible for preventing harassment to the individuals secured, placed or promoted through the Institute's Equal Employment Opportunity/Affirmative Action Program. Supervisors are kept aware of the need to educate those under their supervision regarding the Equal Employment Opportunity/Affirmative Action Policy of the Institute and the importance of the involvement of all employees in the Institute's efforts are subject to disciplinary action which may include termination. Supervisors who do not act to prevent such harassment jeopardize their position as supervisors.

# **Identification and Analysis of Problem Areas**

## **Selection Process**

Females are concentrated in the lower end of the executive, administrative and managerial job group; however there has been some progress in the movement of females to higher paying positions. Efforts to identify the reasons for the concentration of females at the lower salary and ranges will be accomplished and corrective action will be taken as possible. Although there is an overall underutilization of females in this job group it is not great in number. Efforts to increase the number of minority applicants, in particular Native Americans and females, in all job groups remains a priority and the New Mexico Human Rights Divisions continues to be a focal point for dissemination of vacancies to minority organizations and female counterparts.

In the secretarial/clerical job group, there is a problem in the retention and selection of American Indians; Tech continues to experience an underutilization for this job group. Specific job requirements, which might serve as a barrier for secretarial/clerical positions, will receive close scrutiny as they are advertised.

In an effort to increase the number of minority and female applicants contact is made with institutions of higher education graduating high percentages of minorities or women, with minority and women's organizations and by informing the New Mexico Human Rights division of vacancies for distribution to minority agencies.

Faculty selection rates will be closely monitored. Contact with selecting officials together with follow-up visits will be a priority goal of the Director of Affirmative Action. An increased awareness of Tech's Affirmative Action Plan and the commitment to meeting its goal will be emphasized. Tech does not have a large faculty and turnover rate is low. Departments have from one professor to fifteen professors with the median being nine professors. Tech therefore does not have many openings occurring and therefore few opportunities to hire minority and female faculty members.

In the unskilled labor and service areas our selection of Hispanics is very high. These are traditional areas of employment and our goals are to bring those in the group who are interested, into training programs to prepare them for higher-paying jobs. The Director of Affirmative

Action and Compliance reviews all personnel actions in order to ensure that the selections are made in compliance with our Affirmative Action Plan and all applicable laws. New Mexico Tech has also made a commitment to recruit and retain women and minorities in professional non-faculty and professional faculty positions throughout the Institute. These have been areas where women and minorities have not been traditionally well represented. Native Americans are under utilized in the technical/ paraprofessional job group. We have continued our efforts at recruitment through sources mentioned above including the Alamo Reservation which is located approximately 50 miles from New Mexico Tech. We are not fully utilizing Native Americans and females in our skilled craft area. There is a dearth of applicants from these two groups. We have increased applicant flow from American Indians for the service maintenance job group but we are still underutilized.

## **Applicant Flow**

Overall applicant flow data reflects the low availability of minorities and females in Tech's academic disciplines. Records are being kept to determine the ratios of minority to non-minority and male to female applications. The Institute will continue to monitor applicant flow.

Female applicant flow is lower than availability in administrative positions and efforts are being made to employ qualified minorities and females in these positions. However, Socorro's rural location and its small size are two serious impediments. Tech has been most successful in attracting minorities and females when vacant professional staff positions have become available.

In the skilled craft and service maintenance job group there is a greater need to increase the representation of American Indians. Job vacancy announcements will be sent to the Alamo Navajo reservation to increase applicant flow. Contacts with proximal area Pueblo Indians continues and also indirectly through the U.S. Bureau of Indian Affairs (BIA).

## **Transfers and Promotions**

Our published policy, Title VII, Executive Order 11246 and the New Mexico Human Rights Act forbid discrimination and this policy is applied in the areas of promotion and transfer. Efforts are being made internally to insure that qualified minority and female employees are placed in line for available vacancies for which they are qualified. As openings become available, qualified professional staff members are promoted to jobs with higher levels of responsibility and salary, where there exist clear lines of progression (i.e.. administrative secretary I to administrative secretary II, etc.).

There has been a relatively low number of promotions in the non-professional ranks because the high paying jobs have a very low turnover rate. The turnover rate is rapid in the

low-pay areas. Employees are being trained for promotion rather than using external recruiting. With an increased emphasis on training, promotions are increasing. Our goals are to establish clear line of progression whenever practical. Qualified hourly employees are promoted to a higher job level when there are openings. Employees are not confined to their present job family but may transfer to other occupational areas providing they meet the required qualifications.

## **Seniority Practices**

There are no established rules of seniority, either at the professional level or at support levels. Seniority is currently the policy with respect to reduction-in-force (RIF) in the case of equally qualified and equally performing employees. There has however been no adverse impact on minority or females with the application of this policy. Personnel actions and wage levels are determined by qualifications and performance levels. It must be recognized that in some instances qualifications and performance improve the longer an individual is with an organization. This is not to be interpreted as a seniority system. Academic tenure is not based on longevity, but on academic and research achievements, teaching expertise and service to the Institute. Generally, tenure for academic staff is determined by the end of the fifth year of employment.

## **Terminations**

The difficulty of obtaining information on the reason for termination in voluntary cases is a problem. However, to correct possible deficiencies, the following procedures are employed:

- An exit questionnaire to determine the causes for termination is completed by regular employees leaving Tech. These questionnaires are reviewed regularly to discern if there are any patterns of reasons for leaving and if the reasons might be discriminatory in nature.
- The Director of Affirmative Action and Compliance reviews all terminations involving members of the affected class to see if cause has been established for involuntary termination and to detect patterns of discrimination.

## **Tests**

New Mexico Tech does not give tests for employment. There is a written test and physical agility exam given only to campus police officers.

## **Institute Training Program**

The educational programs conducted by the Institute are open to all personnel without regard to sex or minority/non-minority status. Action programs to increase participation of minorities and women in educational training programs are specified and review of these training programs is required.

- Free tuition of one 3-credit course per semester is available for any of our regular, full-time employees or a member of their immediate family. For employees with one year of service, full resident tuition assistance is offered for dependent children who are enrolled as regular full or part-time students.
- The Institute offers a community college program which is available to employees and offers a variety of courses, including many of a vocational nature. Basic and advanced refrigeration and air-conditioning has been offered through the community college and has attracted a good enrollment. American Banking Certificate program has been well received.

One-half of the course fee is waived for regular full-time employees. New Mexico Tech is also offering two computer classes at the Alamo Navajo Reservation in order to make trainees more competitive for positions at Tech or elsewhere. The Secretarial Certificate program has been well received and one half of the course fee is waived for all regular full-time employees.

- The college faculty and professional staff frequently render a personal service of educational guidance and counseling for minority and women employees, although it is not a formal program.

## **Sub-Contractors**

Sub-contractors are notified of their responsibility under this plan.

## **De facto Segregation**

No segregation exists at any of the Institute's facilities.

## **Institute Sponsored Recreation and Social Events**

All regular full-time employees, possessing a valid New Mexico Tech I.D. have equal access to the recreation facilities of the Institute (golf course, swim center, gymnasium, intramural programs, etc.).

## **Suitable Housing**

There is an adequate supply of housing in Socorro and housing is not a barrier to attracting and retaining employees. New Mexico Tech fully supports Section 288-17 (G) of the New Mexico Human Rights Act and advocates the availability of suitable housing to all personnel.

## **Suitable Transportation**

There is a lack of public transportation in Socorro, but this is not a factor in a small town of 8,300.

## **Formal Techniques, Evaluating EEO Programs**

The Institute will maintain semi-annual review of its programs and will keep current statistical data on its minority and female accessions and terminations.

## **Poster**

Equal Employment Opportunity/Affirmative Action posters are posted on bulletin boards.

## **Technical Phases of Compliance**

Materials stating our nondiscrimination policies via posters, letterheads, purchase orders, and other official publications of the Institute are required. Provision is made for inspection by the Director of Affirmative Action and Compliance to ensure compliance.

## **Support of Institute Policy**

Institute policy is supported by the administration and by all supervisory personnel. Periodic reminders are given to ensure continued compliance. Performance in support of Equal Employment Opportunity/Affirmative Action objectives is one of the criteria by which all employees are evaluated. Seminars conducted by the Director of Affirmative Action and Compliance are being planned for inclusion in general training for supervisors and managers.

# Goals and Timetables

## Personnel System

NMIMT's personnel system is structured to provide the capability of protecting and promoting employee interests at the Institute, as well as monitoring our Affirmative Action Plan and to eliminate barriers to Tech's achievement of its goals and timetables. The personnel system provides:

- Accurate and objectively tied to job duties (job classification systems utilizing standard titles).
- Accurate and objective descriptions and specifications.
- Criteria for promotion and for progression within grade by merit salary increases.
- Training programs to enhance minority and female upward mobility.
- Salary ranges and grades; equal pay for equal work without regard to sex or minority status.
- Accurate and realizable job progression and promotional routes.
- Centralized personnel records system.
- Forms, printed materials and other related personnel documents which are non-discriminating against minorities and women.

The duties of the Human Resources Director and the Director of Affirmative Action and compliance are as follows:

- To maintain a modern human resources management compatible with the various functions of the Institute.
- To maintain an adequate personnel record system so that employees at the Institute can be justly and fairly treated in terms of promotions, transfers, salary increases, training programs, and other aspects of personnel relationships. In addition, that the Human Resources Director and the Affirmative Action and Compliance Director will carry out an extensive and continuous monitoring of all supervisory personnel to ensure that the employment standards set will be applied in the best interest of equal opportunity employment.
- To conduct extensive recruiting in the proper job markets for professional and non-professional personnel, using a specific plan to give broadest opportunity to minorities and women.

- To maintain files and records of all matters relating to the employment of women and minorities. These should include all necessary material required for reporting on this Affirmative Action Plan plus

additional materials for use in internal planning and reporting. To be responsible for Affirmative Action Programs under the active leadership of all other administrative officers of the Institute.

The Director of Affirmative Action and Compliance will be directly responsible to the President and will have the administrative responsibilities for equal opportunity employment at the Institute.

## **Underutilization of Women and Minorities**

The goals we have set and the timetables we have established are those which we feel can be attained by good faith efforts. Declining college enrollments, restrictive budgets, and stabilized staff have led to low turnover at all levels of the Institute. Our goals and timetables for professional staff have been set with these factors in mind. Should unanticipated turnover develop in our professional staff, then there would be an increase in our efforts to utilize minorities and woman more effectively.

Our goals and timetables for non-professional staff can be accomplished in a shorter time span because our turnover rates tend to be higher in many of these areas. Our statistics show that we should try to attract more American Indians. Our recruitment efforts for all positions target Native Americans. Female representation must also be improved.

## **Goals**

Good faith effort is being made to bring all departments to an acceptable level of female and minority utilization. It is our goal to bring our workforce in line with the current availability statistics and to concentrate on those areas identified as underutilized by utilization analysis. The measure of progress will be actual movement towards labor market parity.

Job Group	Underutilized Group	Goals Percentage of All Hires
Executive/Admin Managerial	Female	46.1
	Black	0.9
	Hispanic	36.0
	Asian	0.6
	American Indian	0.7
Professional Faculty: Biology	Black	1.3
	Hispanic	2.6
	Asian	15.1
	American Indian	0.4
Chemical Engineering	Female	27.4
	Black	1.5
	Hispanic	3.3
	Asian	14.2
	American Indian	0.1
Chemistry	Female	27.4
	Black	1.5
	Hispanic	3.3
	Asian	14.2
	American Indian	0.1
Computer Science	Female	37.1
	Black	2.0
	Hispanic	2.6
	American Indian	0.3
Earth and Environmental Science	Female	22.5
	Black	0.7
	Asian	10.3
	American Indian	0.1
Electrical Engineering	Female	21.1
	Hispanic	1.2
	American Indian	0.2

Environmental Engineering	Female	10.9
	Black	1.1
	Hispanic	1.2
Humanities	Female	54.9
	Black	2.8
	Asian	2.4
	American Indian	0.9
Management	Female	29.3
	Black	2.6
	Hispanic	1.2
	American Indian	0.4
Materials and Metallurgical Engineering	Black	1.1
	Hispanic	1.9
	American Indian	0.2
Mathematics	Female	21.1
	Hispanic	1.2
	Asian	12.6
	American Indian	0.2
Mechanical Engineering	Female	10.9
	Hispanic	1.2
	Asian	13.9
	American Indian	0
Mineral Engineering	Black	1.1
	Asian	13.9
Petroleum Engineering	Female	10.9
	Black	0.9
	Hispanic	2.3
	American Indian	0.1
Physics	Black	0.7
	Hispanic	1.8
	Asian	15.7

	American Indian	0.1
Psychology and Education	Female	61.5
	Black	3.7
	Hispanic	4.0
	Asian	3.2
	American Indian	0.3
Other Professional:	Female	32.9
	Black	0.5
	Asian	2.0
	American Indian	4.4
Secretarial/ Clerical:	Black	0.6
	American Indian	8.9
Technical/ Paraprofessional:	Black	3.9
	American Indian	5.7
Skilled Craft:	Female	4.9
	Black	1.5
	Asian	0.2
	American Indian	7.0
Service Maintenance:	Black	0.3
	Asian	0.2
	American Indian	6.6

The analyses of availability and utilization used to develop these goals are in Appendix A.

## **Affirmative Action Timetables**

### **Continuously**

- Discuss policy in orientation session with new employee.
- Place articles covering Equal Opportunity/Affirmative Action Program and achievements of minorities and female employees in school publications

- Post Equal Opportunity/Affirmative Action information on bulletin boards.
- Maintain file of companies to whom compliance forms are sent and from whom they are received.
- Maintain current basic data file for each employee.
- Maintain up-to-date availability data.
- Maintain contact with EEOC, the Office of Federal Contract Compliance, and New Mexico Human Rights Division.
- Maintain contact with state, local, and national organizations concerned with employment opportunities for minorities and women.
- Stay informed of new developments and changes in requirements and communicate these to management and all employees.
- Keep employees informed of the availability of career counseling by publishing information in SCOPE and posting information on bulletin boards.
- Hold briefings with representatives of groups concerned with employment of minorities and women.
- Encourage minority and female employees to refer potential applicants for employment.
- Employ minorities and women including Spanish speaking employees, in the Human Resources Office and on the Equal Opportunity/Affirmative Action staff.
- Work with management to increase participation in Career Days.
- Maintain contact with schools with predominately minority and female enrollments.
- Place position announcements and "Help Wanted" advertisements in minority and women's news media.

## **Monthly**

- Inspect physical locations and department areas for proper posting of job vacancies, posters and equal employment policy statement.
- Publish in first issue of “SCOPE” location of complete program.

## **Once Every Semester**

- Hold meetings with the Cabinet, department heads and other supervisory personnel to discuss policy and responsibilities.

## **Annually**

- Review and evaluate total selection process.
- Work with supervisors and school counselors to place underprivileged youths in summer jobs.
- Review employee’s training programs.
- Audit and review employee’s evaluation program.
- Supervisor’s review and update job descriptions as part of a performance evaluation process.
- Hold meetings with all employees to discuss Affirmative Action Programs, individual opportunities and responsibilities.
- Report to President and Regents on status of Equal Opportunity/ Affirmative Action.
- Equal Opportunity/Affirmative Action Director will review job analysis, utilization data and effectiveness of program.
- Develop process to analyze salaries, promotions, tenure and physical locations of minority and non-minority men and women.
  - Audit and review grievance policy and actions related to this policy.

# Development and Execution of Programs

The Institute reviews job descriptions on an annual basis to ensure that position descriptions accurately reflect actual position functions. The review occurs during employee performance evaluation to ensure employee involvement. Position descriptions for positions without them are developed at this time. The reviews are coordinated by the Director of Human Resources.

Job descriptions are compared to job performance criteria developed from the performance evaluation. Uniformity of criteria for similar positions across departments is sought; criteria are examined for bias relative to race, color, sex, religion, ancestry, age, national origin, physical or mental handicap, or disability, medical condition, veteran status and such biases are eliminated. Education, experience and skill requirements which may inadvertently discriminate against minorities or women are given particular attention to ensure that they are retained only when they constitute valid position requirements. Employees are involved in the analyses to ensure their awareness and understanding of the approved position descriptions and specifications.

The Institute reviews and evaluates the total selection process continually. Management personnel and supervisors participate in this evaluation. The purpose is to eliminate bias toward minorities and women and to comply with equal opportunity goals and objectives. Supervisors are required to justify all rejections, and rejections of minority and female applicants are reviewed by the director of Affirmative Action and Compliance. Data for this review is collected by means of the selection and rejection form shown in the appendix. The review includes the items below:

- Care is taken to inform management and supervisory personnel involved with recruiting, screening, selection, promotion, discipline, and other personnel process of Equal Employment Opportunity/Affirmative Action Policy and procedure. Further, all supervisors and others involved in selection are informed that their performance in support of Equal

Employment Opportunity/Affirmative Action goals constitutes one of the criteria by which their overall performance is evaluated.

- The Director of Affirmative Action and compliance works with all personnel involved in selection techniques. The Institute does not use arrest records, credit

status, or number and age of dependents in the selection process. Credit checks and conviction records

may be used in the selection process for certain positions.

The Institute commits itself to taking affirmative action steps to increase the applicant flow of minorities and females. The Office of Affirmative Action and Compliance is directed with the administration to develop and institute procedures to correct deficiencies.

- The responsibility for maintaining active and continuous contact with organizations and agencies concerned with opportunities for minorities and women is assigned to the director of Affirmative Action and Compliance. Community groups and leaders are contacted as sources for referral of targeted groups.
- When possible, representatives of groups concerned with employment opportunities for minorities and women are briefed formally on campus to inform them of Institute policy, position openings and general employment opportunities. When such on-campus briefings are not possible, announcements of position descriptions and requirements, and statements of Institute policy are forwarded to these organizations.
- Minority and female employees are encouraged to refer potential applicants for employment to the Institute. To be effective, this requires that employees be kept informed of position openings and the Institute's Equal Employment Opportunity/Affirmative Action Policy. This is done by notices posted on bulletin boards by direct communication from supervisors and the Director of Affirmative Action and Compliance.
- Minorities and women working in Human Resources Office and the

Affirmative Action and Compliance staff can serve an important function in the recruiting and selection effort. The Institute continues to employ adequate minorities and women in these positions.

- The Director of Affirmative Action and Compliance works with management to increase participation by Institute staff in Career Days and other similar programs. Special effort is made to involve minorities and women in these activities.
  - All recruiting materials which include pictures of employees include pictures of minority and women employees. The use of such recruiting materials is intended, at least in part, to aid in the recruitment of members of these groups. Involvement of minority and female employees in recruiting efforts augments this commitment. The Institute makes it a practice to include at least one Spanish speaking employee in the Human Resources office staff. In addition, the Director of Affirmative Action and Compliance consults with management to find ways of making special efforts at all schools to recruit minorities and women.
  - The Director of Affirmative Action and Compliance consults with supervisors to explore ways in which departments can employ minorities and females in special employment programs such as after school programs and summer jobs.
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- ◇ The Director of Affirmative Action and Compliance discusses summer employment opportunities within the Institute with department supervisors during the academic year and meets with local job service and school counselors before the summer term to help place underprivileged youths, both male and female, in these jobs.
- ◇ The Director Affirmative Action and Compliance is given the responsibility to maintain contact with local organizations, schools, and community action groups. In these communications, ways of reaching, motivating, training and employing the “hard-core” unemployed are explored. The director of Affirmative Action and Compliance discusses the results of these explorations with management at least annually to develop specific procedures.
- ◇ Opportunity for promotion is just as important as opportunity for initial hiring, and the Institute takes affirmative action to insure that minorities and women do not suffer from discriminatory practices in this area and do not miss promotional opportunities. Such affirmative actions include:
  - ◇ Displaying and circulating among employees notices of promotional opportunities.
  - ◇ The Director of Affirmative Action and Compliance annually reviews employee training programs and discusses with management

methods for improving these programs and adding others.

- The Director of Affirmative Action and Compliance meets with management and supervisors to develop promotion workshops in which employees may learn what skills they need for promotion and how they may develop such skills.
  - The Director of Affirmative Action and Compliance meets with the Humanities Department to study the development of an “English as a Second Language” course for those employees for whom lack of language skills is a barrier to promotion.
  - ◇ The Institute has a formal evaluation program by which employee performance is rated annually according to specific criteria. The director of Affirmative Action and Compliance audits and reviews this program to ensure that minorities and women are not differentially affected by it and to determine that the criteria used is valid.
  - ◇ In no case are minority or female employees required to possess higher qualifications than non-
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minority or male incumbents for any position. Position specifications include only those requirements actually needed for the job.

- ◆ The Director of Affirmative Action and Compliance reviews all qualified candidates for promotion and requires that when apparently qualified employees, especially minority or female employees, are passed over for promotion, the supervisor provide specific justifications.
  - ◆ The Director of Affirmative Action and Compliance has the responsibility to work with management to develop a program of career counseling and to insure that employees are aware of this service.
  - ◆ There is no seniority system.
  - ◆ Where a person in a lower level position has shown aptitude and performance which suggests prospects for success at a higher level, the Institute will consider promotion even if some on-the-job training (formal or informal) at the higher level will be required. The Director of Affirmative Action and Compliance advises supervisors of this policy.
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There are no facilities at the Institute which are segregated. All social and recreational activities are open to all employees. Periodic reviews and audits ensure that equal opportunity and encouragement to participate are maintained for all employees.

Although it is true that some potential employees may live in outlying areas, such as ranches or Indian Reservations, Socorro is a small enough community that transportation to and from work is rarely a problem.

Housing and equally important, the availability of various requirements for pleasant and comfortable living are not a barrier to recruitment. While housing costs in Socorro are low in relation to national standards, the range of housing options is limited, although this has improved recently. Further, entertainment, shopping and the like are not comparable to what is available in more metropolitan areas or in small communities close to such areas. The Institute has met with community leaders to discuss this, to investigate ways that all can take maximum advantage of those facilities Socorro does possess, and to find ways of increasing the attractiveness of Socorro as a place to live, work and play. This effort involves all management and originates in the president's office.

- ❖ On-campus day care services are available.

# Internal Audit and Reporting System

As stated earlier, one responsibility of the Director of Affirmative Action and Compliance is to design and carry out a continuous system of reporting and auditing in order to evaluate each aspect of the Affirmative Action Program. This must involve updating the data base, the job analyses, and the utilization analysis, comparing these new figures with affirmative action goals, and identifying areas in which deficiencies are not being corrected in line with the Affirmative Action Plan. The procedures included in this internal audit and reporting system include.

- ◆ On an annual basis, supervisors are required to review and update all job descriptions for positions in their departments as part of the performance review.
- ◆ Review by the Director of Affirmative Action and Compliance of records of hiring, transfers, promotions, and other personnel actions to ensure that these actions are in conformity with the Equal Employment Opportunity/Affirmative Action Policy. This review must include, but is not necessarily limited to:
  - ◇ Analysis of current workforce by ethnic origin, sex, job classification, and salary.
  - ◇ Availability analysis by ethnic origin and sex.
  - ◇ Identification of disparities and deficiencies.
  - ◇ Establishment of goals and time-tables.
  - ◇ Review of applicant flow, including sources of referrals and hires by ethnic origin and sex.
  - ◇ Analysis of the selection and promotion process, including hires, placements, transfers, and requests for transfers, resignations, lay-offs, terminations, rejections, and training program participation by ethnic origin and sex.
  - ◇ Inspection to determine whether posters and other information materials are appropriately displayed, to ensure that physical facilities are accessible to all employees, and to ensure that minority and female employees are afforded equal opportunities and encouragement to participate in the Institute's training, social and recreational activities.

◇ Review of efforts to attract minorities and women into the workforce.

that job descriptions are uniform across department.

◇ Annual review of job descriptions to ensure that only valid job requirements are included and

On the basis of reviews and discussions, the effectiveness of the program is assessed and recommendations for improvement of unsatisfactory performance or conditions are formulated and implemented.

The results from the reports and analysis are reviewed in meetings with management personnel and reported to and discussed with the president of the Institute and the board of regents.

# Personnel Policies

## Compliance with Sex Discrimination Guidelines

New Mexico Institute of Mining and Technology (New Mexico Tech) must be and is committed to compliance with sex discrimination guidelines as outlined in Title 41 code of federal regulations.

- The Institute has no positions for which only males or only females are recruited.
- The Institute does not now and will not place advertisements in newspapers or other media under headings such as “Male” or “Female,” or “Female Wanted.”
- The Institute Equal Employment Opportunity/Affirmative Action Policy statement forbids sex discrimination and other bases of discrimination.
- The Institute makes no distinctions on the basis of sex in employment opportunities. No differences in hours or other conditions of employment including benefits are permitted between male and female employees.
- The Institute has no positions that are not open equally to married and unmarried persons of either sex. New Mexico Tech has no exclusionary policy with regard to persons, male or female, with young children. The Institute does, in fact, have a day care center available for students and employees as mentioned earlier.
- The Institute has adequate physical facilities, such as restrooms, for male and female employees.
- The Institute does not allow state protective laws regarding permitted hours worked, weights that can be lifted, and the like, to discriminate between the sexes. Federal law supersedes such laws and the Institute has no such protective regulations.
- Employees of New Mexico Tech may not be penalized in the terms and conditions of employment because they require time away from their work as a result of childbearing. Pregnancy and childbearing are given the same consideration as any other temporary physical disability. Such employees have benefits of sick and annual leave provisions during such a leave. Following the end of leave warranted by childbirth, an employee is offered reinstatement to the original position or one of like status and pay without loss of accrued benefits.
- New Mexico Tech makes no distinction between male and female employees with regard to retirement age.
- The above policies and commitments do not mean that supervisors and managers may not require different qualifications for different positions, or those different capabilities among employees may not be considered in assigning tasks.

However, differences in capabilities may not be assumed to exist as a function of sex, nor may any employment decisions be made on the basis of sex.

- Disparities by sex in salaries for identical job listings are noted and justifications are presented where they exist. In cases where no justification exists, the provisions for equal pay for the same work without regard to sex will be implemented. Audit and review of salaries is required. The Director of Affirmative Action and Compliance must discuss this review and audit with management personnel in order to formulate and implement methods for correcting deficiencies.
- The qualifications for placement in all job classifications are the same for both males and females. Affirmative action will be taken to correct any clustering of males due to stereotyped job placement in some job categories.
- The Director of Affirmative Action and Compliance is directed to maintain contact with agencies responsible for enforcing Equal Employment Opportunity/Affirmative Action Regulations and the Equal Pay Act. Before making decisions relative to overlapping and potentially conflicting administration, the director of Affirmative Action and Compliance may consult with the administrator of the appropriate agencies.
- Procedures are outlined and responsibility is assigned for developing affirmative action programs to recruit females as well as minorities into positions not typically held by them. Various action programs aimed at recruiting women (and minorities) not currently in the workforce and at eliminating the effects of stereotyped concepts of job placement are addressed throughout this report.

## **Sexual Harassment**

Sexual harassment, like harassment on the basis of color, race, religion, or national origin, has long been recognized by the Equal Employment Opportunity Commission as a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended.

Federal interpretation of sexual harassment states that such “unwelcome behavior may be either physical or verbal in nature.” The three guidelines for determining whether an action constitutes unlawful behavior are:

- When submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, i.e. quid pro quo harassment;
- When submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, quid pro quo harassment;
- When such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment, commonly known as “hostile working environment.”

New Mexico Tech will not tolerate sexual harassment by or toward any of its employees. (See pages 167 through 169) for EEO Grievance Procedure.

## **Nepotism Policy**

The Institute has the following regulations governing the employment of relatives:

Supervisors or any employee with hiring authority may not employ a relative or their own or relative of their superiors. If family status or employment responsibilities change resulting in a superior-subordinate relationship as described above, the situation must be remedied within six months by transfer, resignations or termination of one of the related employees. Relatives are defined as parents, spouse, natural and step-children, grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, first cousins, and in-laws. This policy will be reviewed during the regular review and audit to ensure that its application does not result in discriminatory actions.

# Support of Action Programs

The Institute has provided some support of training programs, in-service training, and auxiliary services (described below) to enable persons who would otherwise be unable to do so to seek and attain employment and advancement. The Institute has not documented or reviewed the effectiveness of these support activities and has not assured that minorities and females have derived the benefits of full equal employment opportunities from them. The Director of Affirmative Action and Compliance together with management personnel must review Institute activities in this area and make recommendations for greater involvement, for the addition of new action programs, and for monitoring all such programs. The intended result of these action programs is an increase of the applicant flow of minorities and females in certain groups.

The Institute provides on-the-job training under the Job Training Partnership Act program when funding is available. The Institute cooperates with the appropriate agencies to employ individuals recovering from chemical dependencies.

The Institute offers regular employees three tuition waiver programs. For employees with one year of service, full resident tuition assistance is offered for dependent children who are enrolled as regular full or part-time students. The second program offers full resident tuition waiver for up to three credit hours each semester to regular employees and their immediate family (spouse and dependent children). Lastly, employees taking non-credit community college courses will have one-half of the tuition for those courses waived.

The Institute, in cooperation with the Socorro Consolidated School System, sponsors a continuing education program. The purpose of the continuing education program is to help in meeting the need for low cost, non-credit courses of instruction. The Institute provides classroom space and administrative and bookkeeping services. The Institute has an Office of Student Services to assist economically disadvantaged and physically handicapped students. Financial and social counseling, tutoring, special programs, lecturers, literature and other assistance are among the services offered.

The achievements and activities of minority and female employees are included in school publications, recruiting and promotional material, and news releases. In addition, the Affirmative Action and Compliance office and the Public Information office cooperate to ensure the placement, promotions, activities and other achievements of minority and female employees are included in material submitted to local and minority publications. The purpose of this action program is to make minorities and women aware of employment opportunities at Tech and to decrease stereotyped concepts of job placement with regard to sex and ethnic origin. The objectives are in an increased applicant flow and placement of minorities and women, especially in jobs traditionally not associated with females and minorities.

A responsibility of the Director of Affirmative Action and Compliance is to maintain contact with organizations concerned with employment opportunities for minorities and women

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whenever such organizations are locally existent. Information concerning programs developed by such organizations will be discussed with management personnel, including the president, to develop and implement ways of supporting and participating in the programs. This action is aimed at:

- Supporting these organizations so that they can more effectively achieve their goals.
- Working with these organizations to increase employment opportunities of minorities and females at the Institute. An increased applicant flow of

minorities and females is one intended result of this action program; another is increased participation of minorities and females in training programs and increased promotion rates for these groups.

The Director of Affirmative Action and Compliance reviews the grievance process and actions resulting from it as part of the internal review and audit to ensure that no discrimination on the basis of race, color, religion, sex or ethnic origin occurs. The Institute has a formal Grievance Policy.

# Minorities and Women Not in the Workforce

For many reasons (e.g., cultural attitudes, lack of training opportunities, stereotyped conception of appropriate job placement, lack of information regarding job opportunities and lack of services such as daycare facilities) many minority members and females who might otherwise be employed have not entered the workforce market. It is the responsibility of the Institute as an Equal Employment Opportunity/Affirmative Action employer to encourage minorities and females to take advantage of equal employment opportunities and the benefits attendant to affirmative action.

Dissemination of information regarding employment opportunities is intended, in part, to make the community aware of employment opportunities for minorities and women and to help dispel stereotyped concepts of job placement. The responsibility of the Director of Affirmative Action and Compliance and management to maintain contact with organizations and agencies concerned with rights and opportunities for minorities and females is also specified and reinforces this effort.

Support provided by the Institute for training programs is designed in part to help persons prepare themselves to enter the workforce.

Increased involvement of Institute personnel in community relation's boards and other local national organizations concerned with employment opportunities for minorities and females is stated as a commitment. Part of the intent of this commitment is to spread employment opportunities and benefits for minorities and women at the Institute.

The employment of knowledgeable and sensitive persons in the recruiting effort represents an attempt to remove a barrier which might prevent persons from applying for work at the Institute.

The goal of attracting minorities and women into the workforce is part of the Affirmative Action Plan. Review of efforts toward this goal is part of the internal audit and reporting system.

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# **Affirmative Action Plan 2004**

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## **Handicapped Applicants and Employees**

**Rehabilitation Act of 1973**

## **Disabled Veterans and Veterans of Vietnam Era**

**Vietnam Era Veterans Readjustment  
Assistance Act of 1974**

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# **Handicapped Applicants and Employees**

## **Disabled Veterans and Veterans of the Vietnam Era**

### **Affirmative Action Policy**

New Mexico Institute of Mining and Technology affirms its policy of offering employment and advancement opportunities to all individuals on an equal basis. This policy applies to the employment and promotion of qualified handicapped individuals as defined in the regulations promulgated by the U.S. Department of Labor implementing the Rehabilitation Act of 1973 and to disabled veterans and veterans of the Vietnam Era under the Vietnam Era Veterans Readjustment Assistance Act of 1974.

In order to give meaningful effect to this statement of policy, New Mexico Tech Institute of Mining and Technology is taking affirmative action to employ members of these three groups and will endeavor to accommodate the disabled in all employment practices including recruitment, employment, promotion, transfers and selection for training. In addition, there shall be no discrimination because of physical or mental disability in the establishment of wage rates, benefits, or other terms and conditions of employment.

New Mexico Institute of Mining and Technology commits itself to the accommodation of the physical or mental limitations of the qualified applicant or employee unless to do so would impose undue hardship on the operation of this facility.

Covered employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the procedures of either program.

A copy of the New Mexico Institute of Mining and Technology Affirmative Action Plan is available in the Office of Affirmative Action and Compliance and all department offices and may be inspected by any employee or applicant between the hours of 8:00 a.m. and 5:00 p.m.

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Date

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Daniel H. Lopez, President

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# Determination of Handicap

Under Section 741.2 of the regulations implementing the Rehabilitation Act of 1973, a “handicapped individual” qualified for consideration under this affirmative action plan is defined as a person who:

1. has a physical or mental impairment which substantially limits one or more of his or her major life activities.
2. has a record of the impairment
3. or is regarded as having such an impairment.

*"Major life activity" means any mental or physical function or activity which, if impaired, creates a substantial barrier to employment.*

New Mexico Tech will rely upon the Guidelines on the Application of the Definition of “handicapped Individual” in identifying its handicapped employees.

If medical proof is required to determine the nature and extent of an individual’s handicap, it may accept medical reports supplied by the individual or require a medical examination and report at New Mexico Tech’s expense.

Only for affirmative action and proper job placement purposes will New Mexico Tech require medical documentation of examination to confirm the existence of a disability as defined above.

In order to identify handicapped employees, a survey was conducted in March 1984. The results of the survey were reported to the Department of Labor. New employees are surveyed as hired, to keep the count up-to-date.

The essential functions of each job are identified and made a part of the job description.

## Determination of Status as Vietnam Era or Disabled Veteran

“Veteran of the Vietnam Era” is a person who:

1. Served on active duty in the Armed Forces of the United States for a period of more than 180 days any part of which occurred between August 5, 1964 and May 7, 1975, and who was discharged or released therefrom with other than a dishonorable discharge.
2. Or, was discharged or released from active duty for a service-connected disability if any part of such act duty was performed between August 5, 1964 and May 7, 1974.

A “disabled veteran is:

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1. A veteran entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more.
2. Or, a veteran whose discharge or release from active duty was for disability incurred or aggravated in the line of duty.

A “qualified disabled veteran” is a veteran who meets requirement (1) or (2) in the above paragraph and who is capable of performing a particular job with reasonable accommodation to his or her disability.

In order to identify veterans, a survey was conducted in March 1984. The results of the survey were reported to the Department of Labor. New employees are surveyed as hired, to keep the count up-to-date.

## **Outreach, Positive Recruitment and External Dissemination of Policy**

New Mexico Tech will undertake the following outreach and positive recruitment activities to provide the required affirmative action for the employment and advancement of the qualified handicapped, disabled and Vietnam Era veterans:

Development of reasonable internal procedures to ensure that the Plan’s affirmative action commitment is being fully implemented;

Establishment of on-going contact with:

1. The local veteran’s employment representative in the nearest state employment service office to recruit job ready veterans.
2. The veteran’s counselors and coordinators on college campuses.

Will identify educational institutions which participate in training of handicapped individuals. Once identified a meaningful communication in terms of job openings will be established with the institutions.

Contact will be made with the New Mexico State Employment Service Division and State Vocational Rehabilitation Agency.

Notify all recruiting sources, including secondary schools and colleges, that New Mexico Tech wishes to encourage referrals of handicapped students.

Employment records are to be reviewed to determine the availability of promotable and transferable qualified handicapped individuals, disabled veterans and Vietnam Era veterans presently employed and to determine whether their present and potential skills are being fully utilized or developed.

Recognizing its responsibility to accommodate the physical and mental limitations of employees (except where such accommodation should impose an undue hardship on its operations), the New Mexico Tech will take into consideration:

1. Providing job access,
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2. Job restructuring,
3. Modification of equipment,
4. Or any combination of these aspects of the job.

While some data presently exists on handicapped employees a more formal program will be initiated immediately for individuals identified in the previously referenced handicapped and veteran survey. The results of that survey will be included in the formal program.

The disabled veteran or other handicapped employee will be paid the same rate as a non-handicapped employee in an equivalent job unless payment at a reduced rate is for good cause and properly documented.

Written notification of New Mexico Tech's policy will be sent to all amenable subcontractors, vendors and suppliers requesting appropriate affirmative action on their part.

## **Internal Dissemination of Policy**

New Mexico Tech's policy statement appears in its employee handbook.

New Mexico Tech's management will update its reaffirmation of policy by posting the policy in a location accessible to all employees.

New Mexico Tech's accomplishments in the placing and promoting of covered employees will be reviewed in supervisory staff meetings.

In the orientation procedure, the employees will be briefed on the program for Vietnam Veterans, disabled veterans and handicapped individuals.

As previously stated, a survey containing a letter of explanation concerning programs of New Mexico Tech in the areas of Vietnam Veterans, disabled veterans and handicapped individuals will be sent to all New Mexico Tech employees. Individuals will be asked to identify themselves relative to these three program. All responses to this survey will be directed to the Director of Human Resources and remain confidential. Information listed by the survey respondents will be verified by the Director of Human Resources or his representative.

## **Responsibility for Implementation**

To assure that good faith efforts are made in carrying out New Mexico Tech's policy for covered veterans and handicapped persons, the Director of Affirmative Action and Compliance is charged with the overall administration of the program. Those responsibilities include:

- Developing policy statements, affirmative action programs, internal and external communication techniques.
  - Assisting in the identification of problem areas.
  - Assisting line management in arriving at solutions to problems.
  - Designing and implementing audit and reporting systems that will:
    - Measure effectiveness of the contractor's programs.
    - Indicate need for remedial action.
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- Determine the degree to which the contractor's objectives have been attained.
  - Ensure that covered veterans and handicapped employees have the opportunity to participate in all Tech sponsored educational, training, recreational and social activities.
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- Serving as liaison between the contractor and enforcement agencies.
  - Serving as liaison between the contractor and organizations serving handicapped persons.
  - Keeping management informed of latest developments in the entire affirmative action are.
  - Arrange for career counseling for covered veterans and handicapped employees as circumstances dictate.
  - Regular discussions with supervisors and employees to be certain the contractor's policies are being followed.
  - Review of the qualifications of covered employees to ensure that handicapped individuals are utilized to the full extent of their abilities and are given full opportunities for transfers and promotions where such movement will enable them to function at their maximum skill level.
  - In connection with the job description review and revision, a complete review and revision of physical and mental job requirements for all jobs is currently in process as jobs are advertised.

## **Development and Execution of Affirmative Action Programs**

New Mexico Tech will make sure that position descriptions accurately reflect the functions of the job and that no mental or physical requirement is discriminatory.

The selection process is continuously monitored to ensure freedom from stereotyping disabled persons in a manner which limits their access to all jobs for which they are qualified. Representatives from recruiting sources will be encouraged to visit New Mexico Tech for a tour and briefing. Clear and concise explanations of current and future job opening, position descriptions and selection process shall be an integral part of the briefing.

Recruiting efforts at all schools shall incorporate special efforts to reach covered veterans and handicapped students.

In line with its commitment under the affirmative action clause for covered veterans, all job openings shall be listed at the appropriate office of the state employment service with the following exception:

- Job openings which New Mexico Tech proposes to fill from within with no consideration to persons outside of the organization.
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Job openings may serve a dual purpose resulting in the referral of handicapped applicants so qualified under the Rehabilitation Act of 1973.



# **EEO Grievance Procedure**

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## **EEO Grievance Procedure**

The grievance procedure is available to any employee, for settlement of a grievance, or complaint that may arise out of Tech's policies, actions, and procedures as they apply to the employment relationship arising from violation of Civil Rights laws or Executive Order. New

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Mexico Tech is under the jurisdiction of Title VII and IX of the Educational Amendment of 1972 of the 1964 Civil Rights Act, other applicable amendments of that Act, Americans with Disabilities Act, the Equal Pay Act, Sections 503 and 504 of the Rehabilitation of 1973, and the N.M. Human Rights Act. New Mexico Tech also falls under the jurisdiction of Executive Order 11246 as it applies to Federal Contractors. “Academic Freedom and Tenure Regulations” are not proper subjects for this procedure..

Not all complaints involve grievances or complaints that involve alleged **discrimination** falling within the purview of the N.M. Human Rights Act, Executive Order 11246, Title VII of the Civil Right Act of 1964 or the ADA or other Civil Rights Laws. Grievances **not** based on discrimination will be processed by the Director of Human Resources, utilizing similar procedures described in the employee handbook. The determination as to whether the grievance and/or complaint falls under the above order or statutes will be made by the Director of Affirmative Action and Compliance. Therefore, all grievances or complaints should initially be brought to the director of Affirmative Action and Compliance for proper determination as to appropriate processing.

The Director of Affirmative Action and Compliance will conduct the investigation if the allegation involves a complaint alleging violation of one of the Federal Civil Rights Acts, their amendments, Executive Orders or the N.M. Human Rights Act. The Director of Human Resources will conduct investigations if the allegation is **not** one falling under the Federal Civil Rights Acts, its Amendments, Executive Orders, or the New Mexico Human Rights Act.

- Step 1. To settle any difference of opinion, the involved parties need to discuss the issue openly and honestly. The employee should request a meeting with his or her immediate supervisor to discuss the problem.<sup>1</sup> Every attempt to reach an amicable solution to the problem 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 his or her department head within five working days of the meeting in Step 1. In the event the employee and department head are unable to resolve the grievance, the employee may proceed to Step 3.
- Step 3. Within ten working days of the meeting with the department head, the employee may submit the unresolved grievance in writing to the director of Affirmative Action and Compliance. Assistance in completing the grievance is available at the Affirmative Action and Compliance Office

The Director of the Affirmative Action and Compliance will investigate the details of the grievance depending on its nature as previously described and meet with the aggrieved employee to discuss the grievance within five working days of receiving the written grievance. If necessary, the Director of Affirmative Action and compliance will also meet with the aggrieved employee’s supervisor and department head to discuss the grievance. A written response will be submitted to the employee within 30 working days of meeting with the employee.

- Step 4. If the grievance still remains unresolved, the employee may submit a

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<sup>1</sup> It is understood that in certain situations employees may feel intimidated by their first level supervisor, second level and above; in that case, employees may go immediately to the director of Affirmative Action and Compliance.

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request for hearing to the President of the Institute. Upon receipt of the request the president shall, within 10 working days, appoint a grievance committee made up of five members and two alternates, including two employees from the support staff, and two employees from the professional staff which includes faculty. The President shall appoint a chairman of the committee to conduct the grievance hearing. The Director of Affirmative Action and Compliance shall act as secretary and technical advisor to the committee. Either party to the grievance may challenge one member of the committee. The challenged member shall be replaced by an alternate. However, the acting committee shall continue to contain at least two employees from the support staff and two employees from the professional staff.

The grievance committee shall meet within 10 working days of the request of the president for the purpose of hearing the grievance. The committee shall interview the parties to the grievance and review all pertinent documents including the investigative report. Parties to the grievance may submit evidence and

Any retaliatory action of any kind taken by any Tech employee against another Tech 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 termination. Any retaliatory action is of course also prohibited by the Title VII, of the 1964 Civil Rights Act, as amended, Executive Order 11246 and the N.M. Human Rights Act.

Sexual harassment as discussed on Page 38 of the Affirmative Action Plan is considered a serious matter. Because of the sensitive nature of the issue involved in sexual harassment, on occasion, a complainant may wish to remain anonymous. In that type of situation, the offender will be contacted by the Director of Affirmative Action and Compliance and the problems as presented by the grievant will be addressed with the offending party. The offender will be given an opportunity to respond to the complaint. In any case, the Director of Affirmative Action and Compliance will advise and instruct the offender on how to remedy the alleged situation. No further action need to be taken under these conditions. In those cases where the person does not request anonymity, the complaint will be processed through the regular procedure.

examine and cross-examine witnesses. Either party may be represented by a third party, if that third party is a current New Mexico Tech employee. The grievance committee must be given notice of the grievant's choice of representation at least five work days in advance of the hearing.

The grievance committee shall render its recommendation in writing to the President. The president shall render a decision on the committee's recommendation in a timely manner, and the decision shall be binding on all parties. The president's decision may be appealed to the Board of Regents by either party.

The President may be named as a party to the grievance. However, in naming the president as a party to the grievance the aggrieved person(s) shall present a written statement to the president explaining specifically why the latter is being named a party to the grievance. If the president agrees, he or she shall remove themselves from the proceedings and ask the Board of Regents, at their next regular meeting, to appoint an individual to fulfill the duties given in Step 4.

# **Employment Policy and Procedure**

## **Statement of Policy**

It is Tech's policy to recruit, select and employ the best qualified individuals available. Whenever possible, vacancies are filled by promotion or transfer within the Institute. Employment decisions are made on the basis of job-related qualifications without regard to race, color, religion, national origin, sex, age, ancestry, physical or mental handicap, medical condition, or veteran status. All regular and temporary (not summer, emergency or temporary services) positions will be filled through equal opportunity/affirmative action search and recruitment procedures.

From time to time it may be necessary to make exceptions to this policy and procedure. Any such exceptions require the approval of the President of the Institute.

Because of the great variety of individual circumstances surrounding employment there may occur a case not covered in this policy. In such an event the individual case will be decided by the President of the Institute.

When a vacancy occurs, the following procedures shall apply:

## **Personnel Requisition**

Requests to fill vacancies or to create and fill new positions are made to the Human Resources Office using the PERSONNEL REQUISITION form. For emergency, temporary services and temporary employees the requisition includes the expiration date for the position. Newly created positions require that a justification for the new position accompany the requisition. A position description should be attached to the requisition. If no position description exists, a representative from the Human Resources Office will assist in developing one. For support staff positions, the Human Resources Office will assign the proper starting rate of pay for the position. Starting rates of pay for professional positions must have the concurrence of the Director of Human Resources. Requisitions for replacing a terminating employee must be accompanied by a copy of that employee's written resignation.

## **Temporary Services**

Temporary services employees are utilized to replace regular employees on leave of absence, to staff positions for new construction or remodeling projects and for other special projects with a specific ending date not to exceed twelve months from date of hire.

Personnel requisitions for temporary services requires the approvals of Affirmative Action, the department head, division head, Business Office and Human Resources. The Human Resources Office will request the desired employees from the New Mexico Job Department of Labor. Job Services will refer only those candidates who possess the required job skills. Individuals who have been terminated from Tech for cause may not be rehired as temporary services employees. Temporary services employees initially report to the Human Resources Office for processing and are then sent to the hiring unit.

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Temporary services employees must possess the minimum qualifications of the position they are being hired for and will be paid Tech's established minimum rate of pay for that position. These employees are eligible for legally required benefits only, which includes workers' compensation, unemployment compensation, educational retirement, social security and overtime compensation. Temporary services employees are not eligible for compensatory time off, holiday pay, annual leave, sick leave, and such benefits under the New Mexico Tech Employee Benefits Plan or to participate in other Tech benefit program.

Hours and days of work depend on the project or projects being worked on. There is no guarantee of the number of hours worked or days worked in a week. Temporary services employees may be released from work during periods of inclement weather, or when there is a shortage of materials or any other condition which prevents working on any given day or days.

In the event there is overtime work or work on holidays, regular employees with the skill and ability to perform the work are to be given first opportunity to perform such work. Temporary services employees may be offered such work only after qualified regular employees have refused the work.

Temporary services employees may be terminated at any time with notice or explanation. The policies and procedures set forth in the Employee Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to temporary services employees.

## **Emergency Employees**

The classification of emergency employee is available to departments needing additional or replacement staff resulting from absences due to illness, leave of absence of regular employees(s) or from unplanned work requirements. The length of emergency employment will be determined jointly by the hiring unit and the Director of Human Resources. The New Mexico Department of Labor may be able to provide a list of qualified applicants who have indicated they will accept temporary work.

Emergency employees are not eligible for compensatory time off, holiday pay, annual leave, and such benefits under the New Mexico Tech Employee Benefits Plan or to participate in any other Tech benefit program.

Emergency employees may be terminated at anytime without notice or explanation. The policies and procedures set forth in the Employee Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to emergency employees.

## **Postdoctoral Appointments**

Postdoctorals are initially employed for one year. Their term of employment may be extended by one year provided funding is available. Any unit desiring to extend a postdoctoral beyond the second year must obtain the approval of the President of the Institute prior to the end of the second year. Postdoctoral employees are employed through the same employment procedures as regular employees. Postdoctorals are professional employees and are eligible for medical benefits.

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# **Student Postdocs and Research Assistants**

Graduating students may continue after graduation as postdocs or research assistants, as appropriate, to complete research projects that were initiated prior to graduation. A written request from the student's research supervisor stating the research projects being worked on and the expected length of time to completion must be made to the Human Resources Office within four weeks of graduation. Such postdocs and research assistants will be considered as full-time temporary employees and eligible for medical benefits. These positions may continue up to 12 months, and up to 24 months with presidential approval.

## **Students**

Students enrolled as regular students (not special students) may apply for regular and temporary part-time positions. Students must satisfy the qualifications of the position they are applying for and, if hired, will be paid the regular starting rate of pay for that position.

Students working in regular and temporary positions must participate in Educational Retirement and may be eligible to participate in other Tech benefits depending on employment status and the number of hours worked each week.

## **Summer Employment**

High school and college students may be hired for the summer months, May through August. A student is defined as a full time student if registered for the previous spring session and the following fall session and who is at least 16 years of age. An approved PERSONNEL REQUISITION must be obtained prior to making an offer of summer employment.

Students must meet the position qualifications for which they are hired and will be paid the regular starting rate of pay for that position. Summer student employees are not eligible for benefits other than what is required by statute. Summer student employees may work for more than 90 days within the summer months specified above.

Summer student employees are not eligible for compensatory time off, holiday pay, annual leave, sick leave, and such benefits under the New Mexico Tech Employee Benefits Plan, or to participate in any other Tech benefit program. The policies and procedures set forth in the Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to summer student employees.

## **Job Posting**

Tech believes that its employees should be given every opportunity to assume more responsibility in their work as a result improve their earnings. In filling non-tenure track regular positions, consideration will be given first to regular employees within the organizational unit where the vacancy exists.

An organizational unit is defined as a segment of Tech's organizational structure that is responsible for a specific activity or group of activities. A unit may be divided into subunits to

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indicate levels of responsibility, (e.g., professional or support staff, Electrician I, II, III) or to indicate functional specialties within the unit (e.g., accounts payable or accounts receivable).

Applicant qualifications are based on education and experience the applicant can document. Applicants may be required to provide transcripts or certificates of completion to document their education and be required to sign authorizations to release information from past employers. Experience can be actual work experience, or it can be experience gained working as a volunteer in some capacity as long as the experience can be documented and verified. Experience gained working as an emergency or temporary services employee in the same position here at Tech will not count towards meeting a required qualification.

A position may at the request of the unit be posted within the unit for five (5) days. Interested regular employees within the unit should submit their applications to the Human Resources Office within the five (5) day unit posting period. If a vacancy is not posted within the unit or there are no qualified employees within the unit where the vacancy occurs, the position is posted for seven (7) days on bulletin boards throughout the campus.

The posting gives a brief description of the job duties, the qualifications required and the salary or wage range for the position. Regular or temporary employees who want to be considered for vacant positions must complete an application form available in the Human Resources Office. Vacancies with fewer than two (2) internal applicants may be advertised off campus after the end of the seven (7) day posting period. Employees applying after the seven (7) day internal posting period, or when there are fewer than two (2) internal applicants, will be considered along with all other applicants. Employees on layoff status with recall rights will be considered as internal applicants. Emergency and temporary services employees must wait for the seven (7) day posting period to expire before applying for a position. Employees who are completing their introductory period are not eligible to apply for vacant positions.

Qualified internal applicants must be interviewed. If there are a minimum of three (3) qualified applicants for non-tenure track position, the most qualified must be offered the position. If there are only two (2) or fewer qualified internal applicants, the position may be advertised off campus and external candidates considered. The internal applicant must be given the position if outside candidates are less or equally qualified. The Human Resources Office will notify unsuccessful internal applicants that their qualifications did not match the position's requirements.

In some instances, a position is posted on campus and advertised off campus simultaneously in the belief that there are no qualified or interested employees on campus. This action requires the written approval of the Institute President. In this instance, regular and temporary employees applying within the first seven (7) days are given first priority. Tenure track professional positions are posted on campus and advertised off campus concurrently.

Exceptional candidates for faculty positions, as determined by a faculty search committee with the concurrence of the Director of Human Resources and Affirmative Action, may be appointed to temporary, non-tenured positions while requirements for the Ph.D. are completed. The temporary position will not exceed one continuous academic school year and is not renewable.

No person may be transferred from a temporary position to a regular position directly because the procedures in this policy must be followed in filling all regular positions. This applies even if an occupied temporary position is to be converted to a regular position.

The effective date of an employee's transfer is determined by mutual agreement between the departments. The transfer date shall not be later than 20 working days from the date of acceptance of the position by the staff member.

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# Employment Procedures

- At the time a PERSONNEL REQUISITION is submitted to the Human Resources Office, appropriate advertising copy should be developed and applicant sources most likely to produce qualified candidates identified. The Human Resources Office places all advertising and, if possible, will select sources that may attract minority and female applicants. The hiring unit is responsible for the cost of advertising. Advertising will be placed after the seven (7) day internal posting period is complete and the position has not been filled internally.
  - The hiring unit, with the concurrence of the Human Resources Office, develops selection criteria using the SELECTION CRITERIA for prior to screening applicants and interviewing any candidates. All candidates must be judged using the predetermined selection criteria only. The SELECTION CRITERIA form becomes a part of the selection process records maintained in the Human Resources Office.
  - Applications are received in the Human Resources Office and recorded on the Applicant Flow Register. Applications will be screened and those meeting the selection criteria will be forwarded to the hiring unit for further consideration. The hiring unit may review applications judged unqualified by the Human Resources Office and request that an application be reconsidered.
  - Applicants deemed qualified for further consideration may be telephoned for information, invited for an interview or both. Applicants should be interviewed by at least two individuals, usually the immediate supervisor and the department or division director in the hiring unit. Each interviewer must prepare a RECORD OF INTERVIEW FORM on every applicant interviewed. This form is supplied by Human Resources and is filed in the Human Resources Office at the end of the selection process.
  - The hiring unit must justify in writing, using the APPLICANT EVALUATION FORM, the disqualification or rejection of any applicant who in the opinion of the Human Resources Office meets the selection criteria.
  - The Human Resources Office will notify unsuccessful applicants.
  - Tech's Affirmative Action Plan requires that search committees and hiring departments review the selection procedure and proposed employee with the Director of Human Resources and the Director of Affirmative Action and Compliance PRIOR to making any offers of employment. Offers of salary or employment without proper PRIOR approvals shall not be binding upon Tech in any way.
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## **Hiring Former Employees**

Former employees who were terminated for reasons beyond their control, such as layoff or end of temporary employment, will be eligible for rehire if their qualifications meet the requirements of the open position, if they were employees in good standing at the time of termination.

A former employee who was terminated involuntarily due to unsatisfactory performance or disciplinary action, or whose record has been noted as “not eligible for rehire”, may be rehired only with the approval of the Human Resources Office. Any request to hire such an individual must be made in writing to the Human Resources Office. The request must include supporting evidence that the original reasons for termination no longer apply.

## **References/Employment Verifications**

Hiring units are encouraged to check references and verify past employment records on every applicant being considered for interview. The Human Resources Office will provide assistance with this process as time permits. A form for use in performing telephone reference and past employment verification is available. All reference checking and employment verification records are part of the official job file.

## **Employment-Administrative Procedures**

The hiring unit initiates the PERSONNEL ACTION FORM for new and transferred employees. New employees need to report to the Human Resources Office on the first day of work to complete payroll forms, benefit applications and new employee orientation. New employees must complete an Employment Eligibility form (I-9) and provide evidence of personal identify and employment eligibility documentation within 72 hours of starting employment.

## **Search Committees**

The Director of Human Resources is an ex-officio member of all search committees.

## **Employment of Relatives**

Supervisors or any employee with hiring authority may not employ a relative of their own or relative of their superiors. If family status or employment responsibilities change resulting in a superior-subordinate relationship as described above, the situation must be remedied within six (6) months by transfer, resignation or termination of one of the related employees, or by re delegating supervisory responsibility to eliminate any direct supervision and wage determination. Relatives are defined as parents, spouse, natural

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and step children, grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, first cousins and in-laws.