

80-4 Americans with Disabilities Act

80-4-1 Purpose • 80-4-2 Policy • 80-4-3 Administration • 80-4-4 Prohibited Conduct • 80-4-5 Sanctions • 80-4-5 Corrective Procedures • 80-4-7 Grievance Proceedings

1. **Purpose.** The purpose of this document is to set forth the policies and procedures of Eastern New Mexico University System (the System) regarding the employment of individuals with disabilities.
2. **Policy.** The policies established regarding the employment of individuals with disabilities are:
 - A. Title I of the Americans with Disabilities Act (ADA), 42 USC § 12101, prohibits employment discrimination against qualified individuals with disabilities.
 - B. The System shall comply with and enforce the provisions of the ADA.
 - C. Employment discrimination by System employees against qualified individuals with disabilities shall not be tolerated.

The foregoing purposes and policies are implemented by the following.

Procedures

3. **Administration.** These policies and procedures shall be administered by the director of Human Resources, the chancellor and the branch community college presidents.
4. **Prohibited Conduct.** No System employee shall take part in any of the following acts:
 - A. Limiting, segregating or classifying a job applicant or employee in a way which adversely affects employment opportunities for the applicant or employee because of his or her disability;
 - B. Participating in a contractual or other arrangement or relationship which subjects an applicant or employee with a disability to discrimination;
 - C. Denying employment opportunities to a qualified individual because he or she has a relationship or association with a person with a disability;
 - D. Refusing to make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, HIV or AIDS (see policy 70-3), unless the accommodation would pose an undue hardship on the ENMU System;
 - E. Using qualification standards, employment tests or other selection criteria which screen out or tend to screen out individuals with disabilities unless such standards, tests or criteria are job-related and necessary;
 - F. Failing to use employment tests in a manner that measures actual abilities, as such tests must accurately reflect the skills, aptitude or other factors being measured, and not the impaired sensory, manual or speaking skills of an employee or applicant with a disability unless those are the skills the test is designed to measure or
 - G. Discriminating against an individual because he or she has opposed an employment practice of the System or filed a complaint or otherwise sought to enforce provisions of the ADA.

5. **Sanctions.** ENMU System employees found to have violated this policy or the provisions of the ADA may be subject to discipline, up to and including termination of employment.
6. **Corrective Procedures.** Any allegations of employment discrimination by System employees against qualified individuals with disabilities shall be brought to the attention of the Affirmative Action Officer, who shall:
 - A. Conduct an investigation to determine if an employment decision was based in whole or in part on the basis of an individual's disability and, if so, whether such disability could be reasonably accommodated without undue hardship to the University;
 - B. Issue a written report, including findings;
 - C. Deliver the report to the affected supervisor or hiring authority and,
 - D. If necessary, deliver the report to the chancellor or branch community college president for further action.
7. **Grievance Proceedings.** System employees may bring any claims of employment discrimination on account of disability under applicable System grievance procedures.

Approved by Board of Regents, December 16, 2005.

Approved by Board of Regents, June 1, 2019.