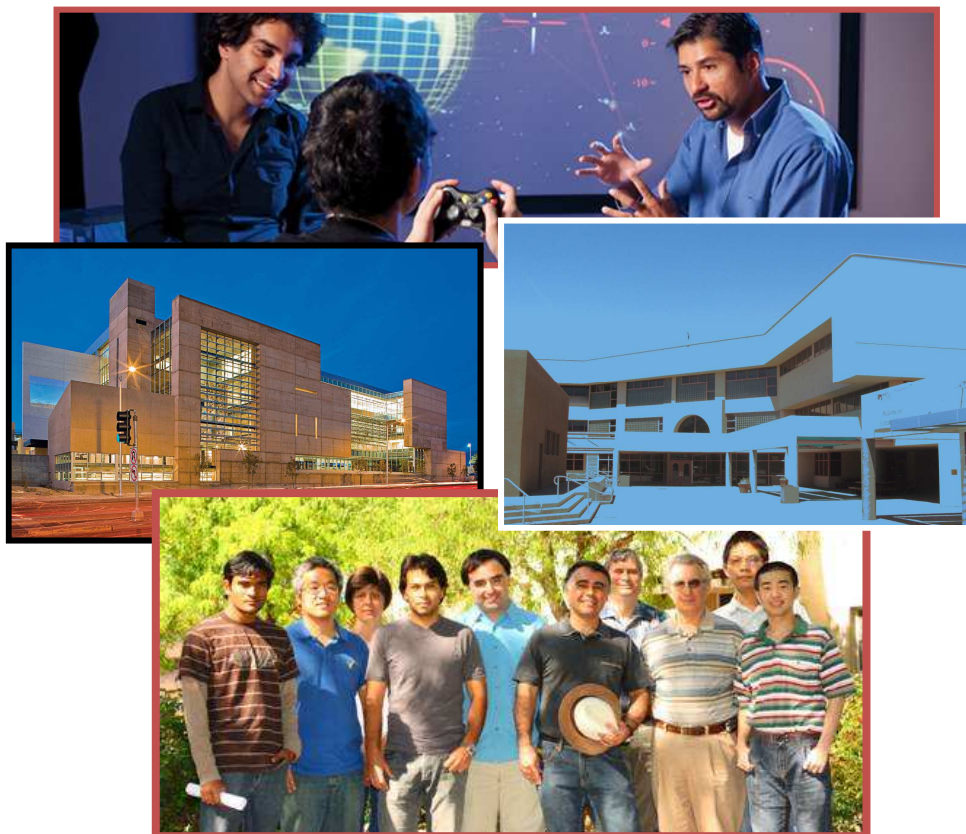


National Aeronautics and Space Administration

University of New Mexico

Title VI Compliance Report



Department of Electrical and Computer Engineering

Office of Diversity and Equal Opportunity
September 2011

Table of Contents

I. Introduction	3
A. Scope and Objectives	3
B. Methodology	5
C. Program Description	5
II. Compliance Analysis	5
A. Assurances	5
B. Access to Compliance Information	6
C. Program Administration	6
III. Conclusion	15

I. Introduction

NASA conducted a compliance review of the University of New Mexico (UNM), a recipient of NASA grant funding, to ensure that beneficiaries of NASA financial assistance have equal opportunity, without regard to race, color, or national origin, to pursue, participate in and benefit from academic research, career development opportunities, extracurricular and other educational activities. This compliance review was conducted under the NASA regulations implementing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, national origin in programs and activities receiving federal financial assistance.¹ NASA Title VI implementing regulations require the Agency to conduct periodic compliance reviews of its grant recipients, stating that: “The responsible NASA official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.”²

A. Scope and Objectives

1. Scope

The review focused on Title VI’s prohibition against discrimination based on race, color, or national origin specifically with regard to the UNM Electrical and Computer Engineering Department (ECE). For purposes of this review, NASA defines “race, color, and national origin” with reference to categories established by the U.S. Office of Management and Budget for race and ethnicity data reporting in Federal statistics, program administrative matters, and civil rights compliance.³ These categories are as follows:

- American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Black or African American. A person having origins in any of the black racial groups of Africa.
- Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.⁴

¹ 42 U.S.C. 2000d, et seq.; 14 C.F.R. Part 1250.

² 14 C.F.R. § 1250.106(a).

³ U.S. Office of Management and Budget (OMB), Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity (1997) (accessible at: http://www.whitehouse.gov/omb/fedreg_1997standards)

⁴ Id. at App. A, Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. It is important to note the qualifying language that OMB provides in regard to these categories: “The categories in this classification are social-political constructs and should not be interpreted as being scientific or anthropological in nature. They are not to be used as determinants of eligibility for participation in any Federal program. The standards have been developed to

Substantively, the review sought to ensure that UNM was not engaging in discriminatory actions as defined in NASA's Title VI's regulations. Under these regulations, recipients of Federal financial assistance are prohibited from specific discriminatory actions including but not limited to:

- Denying an individual any service, financial aid, or other benefit provided under the program;
- Providing any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- Restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
- Treating an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program; and
- Utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.⁵

In addition, NASA's review focused on whether UNM was in compliance with regulatory provisions requiring recipients to sign assurances of nondiscrimination in their applications for NASA financial assistance, to keep and provide access to such records as NASA may determine to be necessary to ascertain whether the recipient has complied or is complying with the Title VI regulations, and to provide appropriate notice to program beneficiaries of rights accorded under Title VI.⁶ (See Section II (A), (B), below.)

2. Objectives

NASA sought to achieve the following key objectives in conducting this review:

- To ensure that the recipient program under review is not engaging in any of the specific discriminatory acts prohibited by the NASA Title VI regulations and that it is otherwise in compliance with the regulations (See Section I.A, "Scope and Objectives," above.)
- To report on any promising practices of the recipient with regard to its obligations under Title VI to ensure equal opportunity regardless of race, color, or national origin.

provide a common language for uniformity and comparability in the collection and use of data on race and ethnicity by Federal agencies."

⁵ 14 C.F.R. Part 1250, Sec. 1250.103-2 Specific discriminatory acts prohibited. Further, the regulations state that: "[t]he enumeration of specific forms of prohibited discrimination in this section does not limit the generality of the prohibition [herein]."

⁶ Id. at § 1250.104, Assurances; § 105(b), Compliance information; and § 105(c), Access to sources of information.

B. Methodology

NASA developed a Title VI compliance review plan (CRP) to identify relevant regulatory requirements, potential issues and specific inquiries needed to conduct a thorough compliance assessment. The CRP identified two focal points for compliance assessment: 1) Title VI “procedural” requirements, including civil rights assurances and access to compliance information; and 2) substantive elements of program administration, that is, policies, procedures, and practices affecting program beneficiaries. The CRP also identified the methods by which needed information would be gathered, including: information requests for statistical data and relevant policies and procedures, and an on-site visit to interview university officials, program faculty, and students, as well as to conduct records review, as appropriate.

The NASA compliance team conducted an on-site review of the UNM ECE Department on March 22-25, 2010. During its visit, the compliance team conducted one-on-one interviews with 18 ECE faculty and staff members, including the ECE Department Head, and the heads of UNM’s Office for Equity and Inclusion (OEI) and Office of Equal Opportunity (OEO), which resides within OEI. The compliance team also interviewed the UNM Equal Opportunity official and lead staff persons: one assigned to student-related compliance and the other assigned to faculty and staff-related compliance, including complaint and grievance processing. The compliance team conducted one-on-one interviews with 14 ECE graduates and undergraduates fully reflective of the program’s racial and ethnic diversity. The review team also examined compliance records onsite, as needed, and conducted a tour and visual survey of the program environment.

C. Program Description

Founded in 1889, the University of New Mexico is located in Albuquerque, New Mexico. UNM’s School of Engineering (SOE) was founded in 1906 and has five departments including the Electrical and Computer Engineering Department and 10 research Centers, including nationally recognized research organizations such as the Center for Nuclear Nonproliferation Science and Technology, and the Institute for Space & Nuclear Power Studies, among others. As of Fall 2009, the SOE had an undergraduate enrollment of 1,179, with 134 undergraduate students in its ECE program. There were 638 graduate students in SOE and 224 in ECE. SOE’s website notes that 34% of degrees awarded went to “under-represented” groups, but does not state how it identifies under-represented or the time-frame associated with this statistic. (See Sec. II.C.1 for a detailed discussion of demographic statistics for ECE.)

II. Compliance Analysis

A. Assurances

1. Regulatory Requirements

NASA’s Title VI regulations require that every application for Agency financial assistance contain an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by Title VI and obligates the recipient for the period during which the assistance is being provided.⁷ Assurances for research, training, or educational programs, which involve participation by students, fellows or trainees, extend to admission practices and to all other practices relating to the treatment of students or other participants.⁸

⁷ 14 C.F.R. § 1250.104, Assurances.

⁸ Id. at § 104(c)(1).

All of UNM’s current NASA awards fall into this category and are in the form of grants for research or cooperative agreements. As of the date of this report, NASA funding is going primarily to the Department of Earth and Planetary Sciences within the College of Arts and Sciences, and the School of Engineering, including the ECE, Nuclear, Civil and Mechanical Engineering Departments.

2. Findings of Fact and Compliance Assessment

NASA’s review confirms that UNM has filed the appropriate assurance, i.e., NASA Form 1206, “Assurance of Compliance with the NASA Regulations Pursuant to Nondiscrimination in Federally Assisted Programs,” for each of its current grant awards and cooperative agreements. UNM is therefore in compliance with this requirement.

B. Access to Compliance Information

1. Regulatory Requirements

The NASA Title VI regulations require recipients to “maintain compliance records in such form and containing such information as to allow the NASA Principal Compliance Officer to ascertain whether the recipient has complied or is complying with the NASA Title VI regulations.”⁹ They also require that recipients “provide access to sources of information as may be pertinent to ascertain compliance.”¹⁰

2. Findings of Fact and Compliance Assessment

UNM provided a complete and timely response to NASA’s information and statistical data request prior to the onsite review.¹¹ UNM also provided access to all sources of information during the onsite review and post-onsite phase of the compliance review. Prior to the onsite review, UNM was selected to participate in a Title IV desk-audit review of multiple grantees. UNM was similarly responsive in terms of the provision of requested information during the desk-audit. Having provided access to all sources of information NASA deemed pertinent to determining compliance, during both the desk-audit and the onsite compliance reviews, including all phases of the latter review, i.e., pre-onsite, during, and post-onsite, NASA finds UNM and ECE to be in compliance with this regulatory requirement.

C. Program Administration

1. Regulatory Requirements

In evaluating UNM/ECE compliance with the Title VI regulations, NASA looked to provisions showing “illustrative applications” of discriminatory prohibitions. Among the more important illustrative applications that informed NASA’s compliance analysis are the following:

⁹ Id. at § 105(b), Compliance information.

¹⁰ Id. at § 105(c), Access to sources of information.

¹¹ See Theresa Ramos, Director, Office of Equal Opportunity, letter to Brenda R. Manuel, Associate Administrator for Diversity and Equal Opportunity, re: NASA Information Request, Feb. 22, 2010.

- “In a research or training grant to a university for activities to be conducted in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited . . .”¹²
- “In a research or training grant, discrimination is prohibited with respect to the availability of any educational activity and any provision of medical or other services and any financial aid to individuals incident to the grant.”¹³

The NASA Title VI regulations also prohibit a recipient from utilizing methods of administration *which have the effect* of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect to individuals of a particular race, color, or national origin.¹⁴

Using the illustrative applications and the provision on methods of administration , NASA sought to determine whether UNM and the ECE Department were in conformity with the equal opportunity requirements of the regulations, specifically with regard to institutional and program methods of administration, including a range of policies, procedures, and practices affecting students discussed below.

2. Findings of Fact and Compliance Analysis

a. Admissions, Recruitment and Retention

NASA requested information from UNM/ECE pertaining to application, acceptance, enrollment and graduation rates by race/ethnicity for Academic Years 2007-2008 and 2008-2009. NASA then compared the data provided with national rates for ECE programs during that timeframe (See Tables 1 and 2 below). However, comparative data was only available for enrollment and graduation rates, so the comparison was limited to these two areas.

UNM Electrical and Computer Engineering Department Student Data															
		Student Status	Application Rate		Acceptance Rate		Enrollment Rate				Graduation Rate				
			Grad.	Grad.	Undergrad.	Grad.	Undergrad	Grad.	Undergrad	Grad.					
		School Year	07-'08	08-'09	07-'08	08-'09	07-'08	08-'09	07-'08	08-'09	07-'08	08-'09	07-'08	08-'09	
UNM	U.S. Students	African American	1%	1%	2%	3%	1%	2%	1%	2%	0%	0%	0%	3%	
		American Indian	0%	0%	0%	1%	4%	3%	0%	0%	6%	2%	2%	0%	
		Asian/ Pacific Islander	2%	2%	3%	5%	11%	10%	4%	5%	17%	15%	4%	5%	
		Hispanic	4%	4%	8%	9%	27%	36%	1%	7%	22%	20%	15%	7%	
		Other	0%	1%	1%	2%	0%	0%	5%	4%	0%	0%	11%	3%	
		White or didn't specify	7%	8%	18%	17%	47%	46%	33%	29%	53%	61%	33%	26%	
		Total	14%	16%	32%	37%	90%	97%	51%	47%	97%	98%	65%	45%	
		Foreign National Students	Asia	72%	70%	50%	48%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Africa	1%	1%	1%	1%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Middle East	12%	8%	14%	5%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Central/ South America	1%	2%	3%	5%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Europe	0%	3%	1%	4%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Total		86%	84%	69%	63%	10%	3%	49%	52%	3%	2%	35%	55%	

Table 1. UNM/ECE Participation Rates by Race/Ethnicity. Source: University of New Mexico.

¹² Id. at § 1250.103-4(b), Illustrative applications.

¹³ Id. at § 1250.103-4(d), Illustrative applications.

¹⁴ Id. at § 1250.103-2(b).

			Enrollment Rate				Graduation Rate			
			Undergrad.		Grad.		Undergrad.		Grad.	
			07- '08	08 - '09	07- '08	08 - '09	07- '08	08 - '09	07- '08	08 - '09
National Average	U.S. Students	African American	6%	6%	N/A	2%	6%	6%	3%	3%
		American Indian	1%	1%	N/A	0%	0%	0%	0%	0%
		Asian/ Pacific Islander	11%	11%	N/A	8%	17%	17%	12%	12%
		Hispanic	9%	9%	N/A	2%	7%	7%	3%	3%
		Other	N/A	N/A	N/A	5%	5%	5%	5%	6%
		White or didn't specify	68%	68%	N/A	21%	56%	58%	31%	29%
		Total	95%	95%	N/A	38%	92%	92%	55%	53%
	Foreign National Students	Asia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Africa	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Middle East	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Cen./S. America	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Europe	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total		5%	5%	N/A	62%	8%	8%	45%	47%	

Table 2. National Averages for Enrollment and Graduation by Race/Ethnicity. Source: National Science Foundation, Division of Science Resources Statistics, special tabulations of U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System, Completions Survey, 2000–08. Accessible at <http://www.nsf.gov/statistics/wmpd/race.cfm>

The comparison shows that, at both the undergraduate and graduate levels, UNM/ECE is well above the national average in enrollment and graduation rates for Hispanic students. For example, the national rate for enrollment of undergraduate Hispanic students in similar engineering programs during Academic Years 2007 – 2009 has been 9 percent, with graduation rates at 7 percent. UNM/ECE shows enrollment rates for Hispanic undergraduate students at 27 percent (AY 2007-2008) and 36 percent (AY 2008-2009), and graduation rates at 22 and 20 percent, respectively. Given the larger representation of Hispanics in New Mexico as opposed to nationwide, the higher rates are not unexpected. Nonetheless, there is no concern regarding the number of Hispanic students in the ECE program.

The same is true with regard to American Indians and Asian Americans and Pacific Islanders. American Indians are another sizable population within the state of New Mexico, and one with whom ECE reports that it undertakes specific outreach efforts (see discussion below). Regarding Asian Americans and Pacific Islanders, representation within ECE is on par with national rates. We do, however, note that while UNM enrollment rates in the ECE graduate program are commensurate with the national averages, graduation rates are somewhat below the national average, with the national average at 17 percent and the UNM/ECE average at 12 percent over AYs 2007-2009).

Of greater concern are the participation rates of African Americans in the ECE program. These rates fall well below the national averages for AYs 2007-2009. For example, the national enrollment and graduation rates for undergraduates were at 6 percent for this timeframe, while ECE’s enrollment rates were around 1 to 2 percent. At the graduate level, the national rates are around 2 to 3 percent, while ECE’s rates are slightly lower (around 1 to 2 percent) with a bump to 3 percent in AY 2008-2009. It is also noteworthy that ECE

graduate acceptance rates increased for African American, Asian American and Hispanic students between Academic Years 2007-2008 and 2008-2009 and that enrollment and graduation rates for these three groups generally increased during this timeframe.

As ECE is a program of national (and international) standing,¹⁵ and based on the comparison with national rates, the only concern NASA has is with regard to participation rates of African Americans at the undergraduate level. In this regard, NASA notes that the Agency's Title VI regulations provide as follows:

“Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.”¹⁶

Consistent with this provision, UNM's Equal Opportunity and Affirmative Action Policy states that the University “commits itself to a program of affirmative action to increase access by, and participation of, traditionally underrepresented groups.” Oversight of these efforts is provided by the Office of Equal Opportunity (OEO), which provides guidance and assistance to University departments in the development of recruitment strategies to assist with affirmative action efforts. OEO functions as a unit within UNM's Office for Equity and Inclusion. The head of OEO reports directly to the Vice Provost for Equity and Inclusion who in turn reports directly to UNM's President.

NASA's review indicates that affirmative efforts are being utilized. For example, ECE acceptance and enrollment rates are significantly higher for all American racial/ethnic minority groups than is reflected in their application rates. The acceptance rate for African Americans is more than twice their rate of application.

However, targeted recruitment efforts have remained largely local in reach. ECE faculty, staff and students informed NASA they feel their recruitment activities are indeed highly proactive in the local context. ECE faculty and staff reported that recruitment efforts at the undergraduate level include outreach to STEM teachers and counselors in New Mexico high schools, middle schools and even elementary schools, including recruitment visits to tribal communities, for example, the Pueblo community. There are also recruitment activities performed at community colleges and other universities in the state, including at least one tribal college (Southwestern Indian Polytechnic Institute, also known as “SIPI”).

Faculty and staff cited several challenges to larger scale recruitment efforts, including budget constraints for recruitment activities, competition from other colleges, the STEM academic qualifications of students from underserved populations, and interest in STEM academic programs and careers among underserved students. The Department Chair illustrated the challenges the ECE program faces with respect to recruitment of minority students. He stated that even within New Mexico recruitment efforts are challenging. While UNM does not have a problem recruiting Hispanic students, they do have a challenge with getting students

¹⁵ According to US News, University of New Mexico's Engineering program is ranked 85 out of 189 in the country for the most recent school year. The Electrical Engineering program is ranked #53 and the Computer Engineering program is ranked #67. For the school year 2008- 2009, 96% of UNM students are in-state, while 4% are out of state; 97% of UNM, ECE undergraduate students and 47% of UMN, ECE graduate students are US students, while 3% of undergraduates and 53% of graduates are international students.

¹⁶ Id. at § 1250.103-4(g).

from American Indian communities, which is why they have instituted additional outreach efforts in that regard, including efforts to draw students from Arizona and California.

It should also be noted that the large numbers of foreign students in the program greatly increase its diversity. ECE's program, especially at the graduate level, has a rich variety of cultural and ethnic backgrounds, including students from all over the world. The heaviest representations are from China, India, Iran, Mexico, Pakistan and Lebanon. While faculty and staff informed NASA that there has been some success in recruitment of New Mexico students from traditionally underrepresented groups, the most successful recruitment activities involve international graduate students who come from outside the United States to UNM.

This type of recruitment occurs when a faculty member wants to bring in graduate students that demonstrate high potential to be good researchers and excel in the ECE program. In that case, the recruited student may come from outside New Mexico. Often such students are from outside the U.S. because faculty members have had prior academic/research experience with the students and have established a "pipeline" for these students to be sponsored in ECE research. Both international and American graduate students interviewed stated that they wanted to come to UNM to work with and learn from specific ECE faculty members doing research in a particular area that matched the student's interest.

The success of these recruitment efforts is demonstrated by race/national origin breakdowns of specific program element data received from UNM ECE in response to NASA's information request. For example, the total Research Assistantships (RAs) awarded for Academic Year 2007-2008 by race and national origin totaled 79. Of that number, 19 were White or non-specified, three were Hispanic, and two were Asian American or Pacific Islander, while the remaining 55 were international students. For Academic Year 2008-2009, out of 112 Research Assistants, 31 were Whites, six Hispanic, one Asian American and 74 international students.

NASA's review did not indicate the presence of discriminatory policies or practices with regard to admissions or recruitment. Overall, given the rich diversity brought by ECE's international students, as well as Hispanic, American Indian, and Asian American students, NASA finds ECE is taking appropriate steps to recruit and retain a racially and ethnically diverse student body. However, as several senior UNM officials acknowledged, reaching "critical mass" is very important with any minority group, and it has not been reached with African-American students in ECE. Therefore, based on the numbers of African Americans, and to a lesser extent, Asian Americans and American Indians applying to and enrolled in the program, ECE may wish to consider additional efforts to make the program more widely available and to increase the diversity of its student body. For example, consideration should be given to a program of regional and national outreach to attract more African American undergraduate and graduate candidates (see "Recommendations," below).

In sum, there is great racial and ethnic diversity in ECE, much of it a result of the large international student population in the program. While this diversity appears not to present serious challenges to the SOE, the campus was at one time in the past few years touched by a series of incidents involving racial/ethnic slurs. However, prior to these incidents UNM, under the leadership of its current President, had already formed an Office for Equity and Inclusion (OEI). Consistent with the President's vision for UNM, OEI has a clearly stated mission, that is, OEI:

"[P]romotes equity for all members of the University community by leading efforts and building sustainable partnerships to transform the campus environment and embrace critical diversity, holistic learning, inclusive excellence and social justice; and, in this way, foster a climate that imbues diversity as an asset."

The OEI organization includes the Office of Equal Opportunity as an organizational unit. Several other organizational units previously within OEI, including African American Student Services, American Indian

Student Services, El Centro De La Raza, now reside within the Office of the Vice President for Student Affairs, as students are the primary focus of these centers, while OEI has the entire UNM community as its focus. The directors of the ethnic centers serve as advisors to the President on student and community matters related to the targeted ethnic group. UNM is to be commended for the creation of the OEI organization, which brings together under one umbrella the equal opportunity compliance, affirmative action, and equity and inclusion efforts of the University, as well as for making the directors of the various ethnic centers special advisors to the President.

However, NASA's review indicates that efforts by OEI have been hampered by a lack of coordinated effort between OEI and the academic organizations. Stronger partnerships between OEI, Student Affairs and academic organizations such as SOE and ECE may assist greatly in helping the academic organizations to more effectively address equity and inclusion matters and reach affirmative action goals. For example, UNM's affirmative action plan has in place strategies for increasing representation among traditionally underrepresented groups for each academic organization. However, according to OEI, there is a need to revisit these goals and the strategies needed to attain them. Greater coordination between OEI and academic organizations is needed to address this (see "Recommendations," below).

b. Information Apprising Program Beneficiaries on Title VI

With regard to the provision of Title VI information to program beneficiaries, the regulations require recipients to:

"make available to participants, beneficiaries, and other interested persons information regarding the NASA Title VI regulations and their applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the NASA Principal Compliance Officer finds necessary to apprise such persons of the protection against discrimination assured them by the Act and this [regulation]."¹⁷

UNM's policy statement, Equal Opportunity and Affirmative Action for Employees and Students, explicitly references the University's commitment to equal educational opportunity and the prohibition against discrimination based on race, color, and national origin, among other bases.¹⁸ The policy is posted online at the OEO Web site, as well as the University's Business Policies and Procedures site. In addition, the policy is disseminated widely among the campus community through a number of publications, including the UNM Course Catalog, the Student and Faculty Handbooks, and posters developed by OEO and distributed among the academic departments and well-travelled areas of the campus. OEO also publishes a more detailed brochure about its programs and services. It too is available on the OEO Web site.

Based on these efforts, NASA finds that UNM is in compliance with the requirement to disseminate information about Title VI's discrimination prohibition among program beneficiaries.

c. Mechanisms for Raising EO Concerns

As noted in (b) above, NASA's regulations require recipients to inform program beneficiaries of their right to file a complaint of discrimination based on race, color, or national origin directly with the U.S. Department of Education (ED) Office for Civil Rights (OCR). However, the NASA regulations do not specifically require

¹⁷ Id.

¹⁸ This policy is accessible at <http://www.unm.edu/~ubppm/ubppmanual/3100.htm>.

recipients to provide *internal procedures* to address complaints of discrimination based on race, color, or national origin.

While NASA's Title VI regulations do not require recipients to have internal complaints procedures providing an avenue of redress for discrimination based on race, color, or national origin, the regulations do provide that a program beneficiary may file a discrimination complaint directly with the Agency.¹⁹ In addition, NASA's regulations under Title IX of the Education Amendments Act of 1972 (prohibiting gender discrimination by educational recipients of NASA financial assistance) and Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination by recipients of NASA financial assistance) do have such requirements.²⁰ As Congress patterned the non-discrimination mandates of Title IX and Section 504 after that of Title VI, a recipient's internal discrimination complaints procedures should cover race, color, and national origin, as well as gender and disability.

The University has internal discrimination complaints procedures covering Title VI bases. These procedures are embodied in the University's Discrimination Claims Procedures, which are accessible from the OEO Web site. In addition to the actual procedures, OEO provides a helpful Q&A format.²¹ OEO's Q&A on the procedures states that students may file directly with the Office for Civil Rights and provides contact information for the appropriate OCR regional office. However, UNM's Discrimination Claims Procedures and its other EO related policies do not inform beneficiaries of their right to file a discrimination complaint directly with NASA or other Federal agencies providing financial assistance to UNM. NASA views this information as critical to appropriate dissemination of rights accorded under Title VI as it is a critical part of the commitment to equal opportunity envisioned by the law (see "Recommendations," below).

It is of note that OCR has recently issued guidance to recipients of Federal financial assistance clarifying obligations of recipients' to ensure prompt and equitable mechanisms are in place to address discriminatory harassment where it occurs.²² The guidance applies to discrimination based on race, color, national origin, sex, and disability.

d. Civil Rights/Equal Opportunity (EO) Training

Appropriate civil rights training for faculty and staff is a means of helping to ensure that program officials are familiar with the requirements of the civil rights laws and regulations, which in turn, can help to ensure that students are afforded equal opportunities. The Director, OEO stated that her office provides extensive civil rights/EO training to the UNM community throughout the academic year. The trainings are intended to be comprehensive, covering such areas as employment discrimination, sexual harassment and reasonable accommodations for individuals with disabilities. Title VI and related laws are also part of the training. The overall approach, according to the Director, OEO is to educate and raise awareness while at the same time "hopefully influencing behaviors in a positive way."

OEO reports that it has a longstanding relationship with the SOE and ECE. OEO assists with the School's program. Faculty and staff, including graduate student research and teaching assistants, shared consensus

¹⁹ Id. at § 1250.106(b), Conduct of investigations.

²⁰ See 14 C.F.R. Parts 1251 and 1253.

²¹ The procedures are accessible at <http://www.unm.edu/~oeounm/discrimination/DiscriminationClaimsProcedure.pdf>.

²² See Assistant Secretary for Civil Rights, U.S. Department of Education, "Dear Colleague" Letter re: Harassment and Bullying, Oct. 26, 2010 (accessible at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>)

that civil rights/EO training was provided at orientation. Most interviewees could not recall the content of the training, but a few noted that they were more familiar with gender-based discrimination from exposure to media focus on the topic.

e. Other Administrative Policies, Procedures, and Practices

In addition to institutional considerations, such as administrative processes for raising EO concerns and training efforts, NASA's review also examined UNM and ECE program policies, procedures and practices to ensure that there was no adverse impact based on race, color, or national origin. In this regard, the review focused on critical elements of program administration and environment, for example, faculty advising, faculty–student interactions in the classroom and lab, access to academic and extracurricular activities, and specific concerns regarding the academic environment raised during the review.

As mentioned, there is great racial and ethnic diversity in ECE, much of it a result of the large international student population in the program. As to the ECE program environment, NASA's interviews with faculty, staff, and students indicated a very positive overall environment, in which the racial and ethnic diversity of the student body is both highly valued and fully embraced by program leadership. No concerns were raised with faculty student interactions, classroom experiences or lab access and participation.

However, some students and faculty did mention concerns relating to language barriers. As many students, particularly graduate students, are international students, English is not their first language. As a result, language and communication barriers tend to arise largely based on accent. For example, undergraduate students said they sometimes have difficulty understanding Teaching and Research Assistants due to their accents. NASA's review suggests that additional efforts at the institutional level are needed in this area (see Recommendations below).

3. Recommendations

a. Greater Demonstration of Top Leadership's Commitment to Equity and Inclusion

UNM should take additional steps to ensure that the Office for Equity and Inclusion is fully integrated into the academic and research missions of the University. Such steps should be based on a further demonstration of commitment to Equity and Inclusion at the highest levels of UNM leadership. Demonstrated leadership commitment may best be established by a stronger and more vital partnership between UNM's top leadership and the Office for Equity and Inclusion. Such a partnership should be characterized by regular meetings between the Vice President for Equity and Inclusion and the President or a designated representative(s) to explore strategies for more effectively integrating Equity and Inclusion into the strategic missions of the University. For example, Equity and Inclusion should be working closely with Deans and other senior academic officials to ensure that goals set forth in UNM's Affirmative Action Plan are being met. If the goals or other aspects of the Affirmative Action Plan need to be revisited, senior academic officials should play a key role in acting to address the needed changes, in partnership with Equity and Inclusion. It should be made clear by UNM leadership at the highest levels that such partnerships are expected to be the norm and that senior academic officials will be held accountable for progress made in reaching Equity and Inclusion related goals and objectives. Such accountability should be embedded in UNM policies setting forth the missions of academic units and the means by which success in achieving those missions will be evaluated.

b. Broadening the Scope of Recruitment Efforts

As we have mentioned, ECE has been very successful in recruiting a highly diverse student body. Under the leadership of UNM's Interim Provost, the former Chair of ECE, UNM is embarking on a campus-wide initiative on diversity and inclusion in pursuit of excellence in UNM's academic climate.²³ As part of this effort, UNM in general, and ECE in particular, may wish to consider more targeted recruitment efforts with regard to its populations of African American students. The University community already has excellent resources in the OEI and the Office of the Vice President for Student Affairs, which includes the African American Student Services Unit. ECE should partner closely with these offices to develop a targeted recruitment and retention plan for attracting and retaining more African American students at both the undergraduate and graduate levels. NASA also recommends ECE take steps to increase its usage of the Agency's One Stop Shopping Initiative or OSSI (see <http://intern.nasa.gov/>), designed by NASA in part to help primary institutions recruit and retain greater numbers of minority students (technical assistance regarding the usage and benefits of OSSI is available through the NASA Office of Education).

c. Full Dissemination of OCR's Recent "Dear Colleague Letter on Harassment and Bullying"

UNM's Office of Equal Opportunity should carefully review this important document, which provides guidance to recipients of Federal financial assistance on their obligations to address discriminatory harassment based on race, color, national origin, sex or disability. This includes ensuring that recipient internal grievance procedures are meeting regulatory standards for prompt and equitable processing of discrimination and harassment complaints. The document, or information regarding the document, should be disseminated widely among the campus community.²⁴ Top leadership and administrative heads, e.g., Deans, should be briefed.

d. Addressing Language and Culture Barriers

UNM and the ECE program should take additional steps to address the language and cultural barriers between teaching assistants and undergraduate students. ECE's efforts in this regard ultimately should focus on ensuring both the written and oral English language proficiency of international students serving as TAs, and program administrators in partnership with ODI should focus on the many peer institution promising practices available to assist these efforts. For example, many universities support an International Teaching Assistants program that helps introduce TAs to the language and cultural diversity of the campus. Such programs can help to foster a healthier learning environment, where international and American students can mutually benefit. In this regard UNM/ECE may wish to give consideration to such ITA initiatives as the "Conversation-Partner Program" in which undergraduate students serve as language consultants, providing critical feedback to help TAs improve their teaching skills. ECE may also wish to consider greater encouragement for networking opportunities for international TAs, for example, program sponsored gatherings for TAs to share their teaching experiences and learn what tools their peers have used to address the problems.

²³ See Theresa V. Ramos, Senior EEO Compliance Specialist, Office of Equal Opportunity, UNM, letter to David Chambers, Senior Civil Rights Analyst, Office of Diversity and Equal Opportunity, NASA, September 23, 2011.

²⁴The guidance itself is accessible at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>. A Fact Sheet on the guidance is accessible at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

4. Promising Practices

a. Diversity Recruitment and Retention Efforts

UNM supports many undergraduate students through its Lottery Success Scholarship Program, which is funded by the state lottery. This program provides 100% tuition funding to New Mexico residents who have graduated from a high school in New Mexico. The award is renewable for eight consecutive semesters of eligibility (based upon academic performance) beginning with the second semester of college enrollment. In addition, starting in 2006, the ECE Program began funding the merit-based ECE Scholars Program aimed primarily at incoming freshmen. Approximately \$10,000 per year has been added to this program (with an eventual steady-state funding of \$40,000 per year). The goal of these scholarships is to attract outstanding students, regardless of race, to the ECE program. This award is renewable for up to eight semesters, and requires students maintain a 3.0/4.0 GPA, and make continual progress towards a degree in one of the ECE programs.

b. UNM Health Sciences Center Office of Diversity

UNM's Health Sciences Center (HSC) has its own Office of Diversity (OoD) whose mission is to "promote ethnic, racial, socio-economic, gender, and geographic diversity in the Health Sciences, and to create opportunities to address the health disparities that affect all New Mexicans." The OoD is headed up by a Vice Chancellor for HSC Diversity, who is responsible for addressing a host of diversity issues in the health care and research contexts. These include, among other things, faculty diversity, linguistic and cultural competence, K-12 educational pipeline, research data and analyses, family involvement/community engagement, and leadership.

III. Conclusion

NASA finds UNM's ECE program in compliance with the Agency's Title VI regulations. As noted, overall our review suggests a very positive program environment in which the racial and ethnic diversity of the student body is both highly valued and fully embraced by program leadership. No concerns were raised with faculty student interactions, classroom experiences or lab access and participation. We have, however, made recommendations for enhancements to certain program elements relating to EO, particularly efforts to recruit and retain African American students at both the undergraduate and graduate levels.