



University of New Mexico Staff Council 2023 Resolution #4

Name: Add Height and Weight to the UNM Non-Discrimination Policy

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Adopted by Staff Council: September 19, 2023

1. Whereas, According to statistics from the US Centers for Disease Control and Prevention,ⁱ 34.6% of all adults in New Mexico self-define as persons with obesity. Further, this population includes 46.7% of Native American adults; 39.5% of Non-Hispanic Black adults; 35.9% of Hispanic adults; 25.5% of Non-Hispanic White adults; and 16.5% of Asian adults in New Mexico; and
2. Whereas, a Rebecca M. Puhl and Chelsea A. Heuerⁱⁱ review of literature on documenting bias and stigma toward overweight and obese persons shows, “Obese individuals are highly stigmatized and face multiple forms of prejudice and discrimination because of their weight. ... Weight bias translates into inequities in employment settings, health-care facilities, and educational institutions, often due to widespread negative stereotypes that overweight and obese persons are lazy, unmotivated, lacking in self-discipline, less competent, noncompliant, and sloppy. These stereotypes are prevalent and are rarely challenged in Western society, leaving overweight and obese persons vulnerable to social injustice, unfair treatment, and impaired quality of life as a result of substantial disadvantages and stigma”; and
3. Whereas, Puhl and Heuer report, “One study (N = 2,838) found that overweight respondents were 12 times more likely, obese respondents were 37 times more likely, and severely obese respondents were 100 times more likely than normal-weight respondents to report employment discrimination. In addition, women were 16 times more likely to report weight-related employment discrimination than men”; and
4. Whereas, multiple studiesⁱⁱⁱ suggest the existence of a “wage penalty” for overweight or obesity, especially for those who identify as women. Large body size has been shown to contribute to income inequality and lack of career progression, while it also intersects with existing socioeconomic inequalities tied to gender, race, and ethnicity^{iv}; and
5. Whereas, scholar Christina Fisanick^v asserts that faculty of size often receive lower student course evaluations and may experience lower rates of tenure and promotion; and

6. Whereas, Puhl and Heuer report “that 32% of overweight and obese women (N = 2,449) reported experiencing weight stigma from a teacher or a professor, and 21% had experienced it more than once or multiple times. ... Research continues to suggest that heavy students face significant obstacles to educational achievement throughout their educational careers”; and
7. Whereas, the National Longitudinal Study of Adolescent Health^{vi} finds that overweight status is associated with lower rates of college degree attainment; and
8. Whereas, a study at a large US university^{vii} finds that in graduate applications with a required in-person interview, overweight or obese applicants were less likely to receive offers of admission; and
9. Whereas, Puhl and Heuer report, “Overweight and obese patients are vulnerable to multiple forms of weight bias in health-care settings. ... Obese patients who experience stigma in health-care settings may delay or forgo essential preventive care.” Doctor and activist Asher Larmie warns, “If the chairs in the waiting room are too small to be used, that potential humiliation can create another stressor. An underlying message? This space is not designed for you”^{viii}; and
10. Whereas, a Tessa E. S. Charlesworth and Mahzarin R. Banaji^{ix} a ten-year study finds that implicit bias around race and sexuality had decreased among US adults; rates around disability and age stayed the same; but those against overweight people had actually increased. Puhl^x reports in a separate ten-year study that incidents of weight discrimination are on the rise; and
11. Whereas, multiple studies^{xi} have shown a correlation between height and income, likelihood of being promoted, and assessment of leadership skills; and
12. Whereas, the UNM 2040 Strategic Planning Framework identifies “Inclusive Excellence” as one of five Goals, with Objectives that include, “Ensure UNM is inherently inclusive, accessible to most and readily accommodating to all students, staff, faculty, and community members,” and “Focus on faculty and staff diversity, recruitment, retention, professional development, and career advancement and success, to address historical and current injustices and inequities”; and
13. Whereas, Young Suh, Rebecca Puhl, Sai Liu, and Frances Fleming Milici^{xii} report increasing public support for adding body weight as a protected class in civil rights statutes, noting that “There is strong, consistent support for policies prohibiting weight discrimination”; and
14. Whereas, other universities and government entities have added height and weight to anti-discrimination policy statements. See for example, the University of Michigan,^{xiii} Michigan State University,^{xiv} state of Michigan,^{xv} and the cities of New York^{xvi} and San Francisco.^{xvii} Others have added a broader Physical or Personal Appearance protection.^{xviii}
15. Resolved, That Staff Council requests revision of Regents' Policy Manual - 2.3: Equal Opportunity, Affirmative Action, Anti-Harassment, and Anti-Retaliation^{xix} to add height and

weight to this statement: “The University has an enduring commitment to support equality of employment and educational opportunity by promoting a diverse environment free from unlawful discrimination and harassment. The University forbids unlawful discrimination and harassment based on considerations of race, color, age, ancestry, national origin, gender identity, genetic information, serious medical condition, mental/ physical disability, pregnancy, religion, sex, sexual orientation, spousal affiliation, or veteran status”; and

16. Resolved, That Staff Council requests revision of Administrative Policies and Procedures Manual - Policy 2720: Prohibited Discrimination and Equal Opportunity (Interim)^{xx} to add height and weight to the definition of “Protected Class”; and
17. Resolved, That Staff Council requests that university best practices become more inclusive of size diversity issues and better make students, faculty, staff, job candidates, and visitors of all heights and weights feel that they belong. Examples of possible action items include:
 - To inform budgetary decisions in operationalizing these amendments to UAP 2720, conduct a feasibility study to identify classrooms and workspaces as specified below.
 - Practice size inclusion by making one or more armless chairs available in all classrooms, auditoriums, offices that accommodate visitors, public spaces, conference rooms, interview spaces, waiting rooms, etc. Be especially mindful of alternatives when seats are attached at a fixed distance to a table or seat next to it.
 - Encourage faculty and staff to review seating at the time of classes and events to find alternatives so that no students, job candidates, or visitors are placed in physical discomfort.
 - Add a “Students of Size” policy statement to the sample syllabus provided by the Faculty Senate Curriculum Committee, similar to that provided by Dr. TJ Stewart.^{xxi}
 - Offer suggestions from Purchasing to departments on which office chairs might best accommodate staff or faculty of different sizes.
 - Publish Purchasing guidelines for making travel arrangements that require purchase of two seats for one individual.
 - Publish Purchasing guidelines that include review of t-shirts and other clothing giveaways to make sure that the size range is inclusive. Offer suggestions to departments for vendors that offer a wide range of sizes. Ensure that the Bookstore offers branded apparel and commencement gowns in a wide variety of sizes.
 - Review restroom design options to advocate for stalls that fit large people.
 - Start a body-positive employee resource group through Employee Wellness.
 - Include advocacy for belonging at all heights and weights into campus messaging.

Copies of this Resolution shall be sent to the UNM Board of Regents; Dr. Garnett Stokes, President; Teresa Costantinidis, Senior Vice President for Finance and Administration; Dr. James Holloway, Provost and Executive Vice President for Academic Affairs; Dr. Douglas Ziedonis, Executive Vice President for HSC and CEO of the UNM Health System; Dr. Assata Zerai, Vice President for Equity and Inclusion; Cinnamon Blair, Chief Marketing and Communications Officer; Kevin Stevenson, Vice President for Human Resources; Heather Jaramillo, Director of Equal Opportunity & ADA Coordinator; Dr. Valerie Romero-Leggott, Vice President and Executive Diversity, Equity & Inclusion Officer, HSC; Sidney Mason-Coon, University Policy Officer; and The Daily Lobo.

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- i <https://www.cdc.gov/obesity/data/prevalence-maps.html>
- ii <https://onlinelibrary.wiley.com/doi/full/10.1038/oby.2008.636>
- iii <https://academic.oup.com/socpro/article-abstract/59/3/411/1735970>
- iv <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6561119/>
- v <http://www.jstor.org/stable/40546029>
- vi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6262374/>
- vii <https://onlinelibrary.wiley.com/doi/10.1002/oby.20171>
- viii <https://www.vox.com/ad/23180916/weight-stigma-doctor-healthcare-patient-harm>
- ix <https://www.scientificamerican.com/article/implicit-biases-toward-race-and-sexuality-have-decreased/>
- x <https://www.obesityaction.org/resources/weight-discrimination-a-socially-acceptable-injustice/>
- xi https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3166828
- xii <https://onlinelibrary.wiley.com/doi/full/10.1002/oby.20750>
- xiii <https://spg.umich.edu/policy/201.89-1>
- xiv <https://civilrights.msu.edu/policies/>
- xv [http://www.legislature.mi.gov/\(S\(xtysif0tneaoc1lukhcyjkj\)\)/mileg.aspx?page=getObject&objectname=mcl-37-2202](http://www.legislature.mi.gov/(S(xtysif0tneaoc1lukhcyjkj))/mileg.aspx?page=getObject&objectname=mcl-37-2202)
- xvi <https://www.nyc.gov/office-of-the-mayor/news/364-23/mayor-adams-signs-legislation-prohibit-height-weight-discrimination-employment-housing->
- xvii https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_police/0-0-0-7094
- xviii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7511432/#R4>
- xix <https://policy.unm.edu/regents-policies/section-2/2-3.html>
- xx <https://policy.unm.edu/university-policies/2000/2720.html>
- xxi <https://www.diverseeducation.com/opinion/article/15307367/fat-on-campus-mitigating-antifat-bias-in-the-classroom>