

13-2307A. Race, gender, and other discrimination under the New Mexico Human Rights Act.

To establish that _____ (*the defendant*) discriminated against _____ (*the plaintiff*) based on [his] [her] [race] [age] [religion] [color] [national origin] [ancestry] [sex] [serious medical condition] [physical or mental handicap] [sexual orientation][gender identity] [spousal affiliation], _____ (*the plaintiff*) has the burden of proving the following:

(1) that _____ (*the plaintiff*) was "otherwise qualified" for _____ (*the position in question*);¹

(2) that _____ (*the defendant*) _____ (*insert adverse action, i.e., refused to hire, fired, failed to promote, demoted, or discriminated in matters of compensation terms, conditions, or privileges of employment against*) _____ (*the plaintiff*);

(3) that _____ (*the plaintiff*)'s _____ [race] [age] [religion] [color] [national origin] [ancestry] [sex] [serious medical condition] [physical or mental handicap] [sexual orientation] [gender identity] [spousal affiliation] was a motivating factor in _____ (*the defendant*)'s _____ (*insert adverse action, i.e., refusing to hire, firing, failing to promote, demoting, or discriminating in matters of compensation terms, conditions, or privileges of employment against*) _____ (*the plaintiff*).

[If you disbelieve the reason(s) _____ (*the defendant*) has given for _____ (*insert adverse action*), you may infer that _____ (the defendant) took this action because of _____ (*the plaintiff*)'s [race] [age] [religion] [color] [national origin] [ancestry] [sex] [serious medical condition] [physical or mental handicap] [sexual orientation] [gender identification] [spousal affiliation].]

USE NOTES

1. The term "otherwise qualified" is defined in UJI 13-2307J NMRA. [Approved by Supreme Court Order No. 10-8300-024, effective September 27, 2010.]