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UAP 3790: Domestic Partners

University of New Mexico

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Administrative Policies and Procedures Manual - Policy 3790: Domestic Partners

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Revised: 01-01-2009, 03-11-2014, 08-20-2015

Authorized by Regents' Policy 6.3 "Privileges and Benefits"



1. General

The University of New Mexico is committed to providing equal employment and educational opportunities to all individuals. UAP 2720 ("Equal Opportunity, Non-Discrimination, and Affirmative Action") forbids unlawful discrimination based on sexual preference and other protected status. Therefore, the University must provide equal employment benefits to employees with a domestic partner of the same gender. The University has determined that in the interests of fundamental fairness, the definition of domestic partners will apply to all relationships akin to marriage, whether of the same gender or not. All University employees that have a domestic partner as defined in Section 2., herein shall be provided services and benefits on the same basis provided to legal spouses.

Legally married same-sex couples are not subject to this policy and have the same rights and benefits as legally married opposite-sex couples.

2. Domestic Partners

The University defines domestic partners as two (2) individuals who live together in a long-term relationship of indefinite duration. There must be an exclusive mutual commitment similar to that of marriage, in which the partners agree to be financially responsible for each other's welfare and share financial obligations.

2.1. Qualifying Criteria

Individuals may qualify for and be recognized as domestic partners by The University of New Mexico, if both individuals meet all of the following criteria, sign an Affidavit of Domestic Partnership form (found on HR's website forms page), and submit any necessary documentation to the Human Resources Service Center.

2.1.1. Both domestic partners must be unmarried.

2.1.2. Domestic partners must have been in a mutually exclusive relationship for the last twelve (12) months, intending to do so indefinitely, and must share the same primary residence.

2.1.3. Domestic partners must meet the age requirements for marriage in New Mexico and be mentally competent to consent to contract.

2.1.4. Domestic partners must not be related by blood to the degree prohibited in a legal marriage in the State of New Mexico.

2.1.5. Domestic partners must be jointly responsible for the common welfare of each other and share financial obligations. An Affidavit of Domestic Partnership form (found on [HR's website forms page](#)) signed to that effect and proof of one (1) of the following must be submitted to the Employee Services Office:

- A joint mortgage or lease.
- Joint ownership of a motor vehicle, joint bank account, or joint credit account.
- Domestic partner named as beneficiary of life insurance.
- Domestic partner named as beneficiary of retirement benefits.
- Domestic partner named as primary beneficiary in the employee's or student's will.
- Domestic partner assigned durable property or health care power of attorney.
- Household expenses are shared by both partners.

The University may require proof that those applying for status of domestic partnership meet the above requirements. Providing false information may result in disciplinary action, dismissal, and reimbursement of costs involved in providing benefit coverage.

2.2. Termination of Domestic Partnership

Individuals granted domestic partnership status must report any change in status that terminates the relationship to the Human Resources Service Center, within thirty (30) calendar days, by completing a Termination of Domestic Partnership form (found on [HR's website forms page](#)).

3. Qualifying as a Dependent of Domestic Partners

The child of a domestic partnership qualifies as an eligible dependent if:

- either of the domestic partners is the biological parent of the child,
- either or both partners are adoptive parents of the child, or
- the child has been placed in the domestic partner's household as part of an adoptive placement.

4. Services and Benefits

Domestic partners and their dependents, as defined in [Section 3](#), herein, shall be granted all and the same services and benefits as those provided to married spouses and their dependents, except where expressly prohibited by law. All University policies that affect employees, spouses and their families also apply to employees, domestic partners, and their families.

5. Taxability

The value of tuition and insurance benefits provided to the domestic partner is considered taxable income to the employee by the Internal Revenue Service and is subject to social security and federal and state income tax withholding.

6. Forms

Affidavit of Domestic Partnership can be found on the [HR website forms page](#).

Termination of Domestic Partnership can be found on the [HR website forms page](#).

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