



# University of Colorado Denver

## Administrative Policy

<b>Title:</b>	<b>Nondiscrimination Procedures</b>
Source:	Equal Opportunity/Affirmative Action Compliance Office
Approved by:	Teresa Berryman, Vice Chancellor for Administration and Finance
Effective Date:	October 1, 2005
Replaces:	Anschutz Medical Campus EO/AA Guidelines for Reporting and Investigating Complaints of Discrimination
Reference:	<a href="#">Article 10, Laws of the Regents of the University of Colorado</a>
Applies:	All campuses

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### A. Introduction

As stated in the university nondiscrimination policy, "The University of Colorado does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities. The University takes action to increase ethnic, cultural, and gender diversity, to employ qualified disabled individuals, and to provide equal opportunity to all students and employees."

The University of Colorado Denver (UCD) is committed to maintaining a positive learning and working environment. This guideline provides a process by which employee and student complaints regarding discrimination will be handled.

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### C. Reporting

Reports of on-campus criminal conduct in which the complainant believes that his/her safety is threatened should be reported to the police first, then to the [EO/AA Compliance Officer](#) once immediate safety concerns are met.

## 1. Supervisor Reports

Any supervisor who witnesses or receives a written or oral report or complaint of discrimination or related retaliation that occurs in UCD employment and educational programs and activities, is required to promptly report it to the EO/AA Compliance Officer.

## 2. Other Reports

In order to take appropriate corrective action, UCD must be aware of discrimination and related retaliation that may occur in UCD employment and educational programs and activities. Therefore, anyone who believes that s/he has experienced or witnessed discrimination or any related retaliation should promptly report such behavior to the EO/AA Compliance Officer.

## 3. Exception to the Report Process

The Ombuds Office at UCD and the UCD Student and Community Counseling Center at the Downtown Campus may maintain confidentiality regarding information on discrimination or any related retaliation.

### **D. Procedures**

Reports or complaints pursuant to this Policy will be addressed and resolved as promptly as practicable after the complaint or report is made. Ordinarily, investigations will be concluded and reports submitted no later than 90 days following the receipt of a complaint.

### **E. Investigation Process**

1. The EO/AA Compliance Officer shall determine the most appropriate means for addressing the report or complaint. Options include but are not limited to: (a) investigating the report or complaint; (b) with the agreement of the parties, attempting to resolve the report or complaint through a form of alternative dispute resolution (e.g., mediation); or (c) determining that the facts of the complaint or report, even if true, do not warrant investigation.

The EO/AA Compliance Officer may designate another individual (either from within UCD, including an administrator, or from outside UCD) to conduct or assist with the investigation or to manage an alternative dispute resolution process. Outside investigators will have relevant training, qualifications and experience. Anyone designated to address an allegation will adhere to the process of this guideline and confer with the EO/AA Compliance Officer throughout the investigation.

2. All reports or complaints should be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.
3. If an investigation is conducted, the complainant and respondent will:

- (a) Receive written notice of the report or complaint, including a statement of the allegations, as soon after the commencement of the investigation as is practicable and to the extent permitted by law;
  - (b) Be asked to present relevant information to the investigator(s); and
  - (c) Receive, at the conclusion of the investigation, a copy of the investigator's report, to the extent permitted by law.
4. The Chancellor, the respondent's appointing/hiring authority and the respondent's supervisor shall be notified that an investigation is taking place. The EO/AA Compliance Officer will advise the respondent's supervisor whether in his/her opinion the respondent should be relieved of any supervisory or evaluative authority during the investigation. The respondent's supervisor will advise the EO/AA Compliance Officer of any action taken.
5. At the conclusion of an investigation, the investigator shall prepare a written report that includes a statement of factual findings and a determination of whether the university nondiscrimination policy has been violated.
6. The appointing authority may initiate appropriate disciplinary action against that individual based on the findings in the report. The appointing authority and other administrators with a need to know may have access to the investigative records and may consult with the investigator in order to take appropriate action. In the event a violation of the University's Policy on Antidiscrimination is found, the University will consider reasonable and appropriate measures to address the concerns of those persons who may have been affected by such a violation. The appointing authority will inform the EO/AA Compliance Officer in writing of the action taken based on the findings in the report.
7. All records of discrimination and related retaliation reports and investigations will be considered confidential and will not be disclosed publicly except to the extent required by law.
8. State and Federal laws prohibit retaliation against persons who have complained of discrimination, or have participated in the investigation or resolution of a complaint of discrimination. Complaints of retaliation will be investigated in accordance with the procedures set forth herein.

#### **F. No Limitation on Existing Authority**

No provision of this guideline should be construed as a limitation on the authority of an appointing authority under applicable policies and procedures to initiate appropriate action. If an individual is disciplined for conduct that also violates the university nondiscrimination policy, the conduct and the discipline imposed should be reported to the appropriate UCD Officer. If an investigation is conducted and no policy violation is found, that finding does not prevent discipline of the respondent for inappropriate or unprofessional conduct under other applicable policies and procedures.

Use of this complaint procedure is not a prerequisite to or a substitute for the pursuit of other remedies allowed by law, regulation, or policy. Classified staff employees must conform to the requirements of the State Board of Personnel and faculty may be subject to procedures of their schools or departments, or of faculty committees on privilege and tenure.

## **G. Campus Resources**

If you wish to report discrimination or need additional information, contact the EO/AA Compliance Officer at [Human.Resources@ucdenver.edu](mailto:Human.Resources@ucdenver.edu) (303-315-2700); send correspondence to PO Box 173362, Campus Box 130, Denver, CO 80217-3362.

The [Ombuds Office](#) is a resource available to all members of the University community. It is an independent source which will provide informal, confidential and neutral services to members of the university community in resolving conflicts, complaints, and disputes.

[UCD Department of Human Resources](#) is located on the Downtown Campus. The Department provides services to faculty, exempt professional and classified staff.

The emergency phone number for police serving all campuses is 911. Non-Emergency numbers are available from these links: [Downtown Campus](#) and [Anschutz Medical Campus](#).

The [UCD Student and Community Counseling Center](#) serving the Downtown Campus is located in room 4036 of the North Classroom Building.