

This policy: (1) provides a definition of discrimination and harassment based upon Protected Class status and related retaliation; (2) prohibits such discrimination; and (3) identifies the procedures (the “Procedures”) the university follows when it receives a report alleging a violation of the university core values. Individuals who violate this policy shall be disciplined or subjected to corrective action as outlined herein. This policy is meant to be read in conjunction with the accompanying university Nondiscrimination Procedures.

C. PROHIBITED CONDUCT

The conduct listed below is prohibited, as are attempts to commit and aiding, abetting, or inciting others to commit them. Prohibited conduct also includes conduct engaged in by electronic means including, but not limited to, computers, any type of phone, or any other means of electronic communication.

Discrimination occurs when an individual suffers an adverse consequence on the basis of a protected class. Examples include failure to be hired or promoted or denial of admission to an academic program based on protected class status.

Harassment means verbal or physical conduct related to one’s protected class that unreasonably interferes with an individual’s work or academic performance or creates an intimidating or hostile work or educational environment.

Hostile Environment. Whether a hostile environment exists is determined from both a subjective and an objective perspective. The subjective perspective evaluates whether or not the reporting party experienced unwelcome conduct [based on a protected characteristic]. The objective perspective evaluates whether or not the unwelcome conduct was, from the perspective of a reasonable person in the alleged reporting party’s position, sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives an individual from participating in or benefiting from the University’s education or employment programs and/or activities. [Harassment becomes prohibited by this policy where enduring the offensive conduct becomes a condition of continued participation or receipt of benefits from the University’s education or employment programs and/or activities.] Mere offensive conduct, such as petty slights and annoyances, such as stray negative comments in an otherwise neutral evaluation, “snubbing a colleague,” or negative comments that are justified by an individual’s poor performance or history are not enough to create a Hostile Environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a single or isolated incident of discrimination or harassment may be sufficient.

Retaliation. Means any adverse action threatened or taken against a person because an individual has filed, supported, or provided information in connection with a complaint of *discrimination*, including but not limited to direct and indirect *intimidation*, *threats* and harassment. An “adverse action” is any conduct or action that would dissuade a reasonable person from reporting an allegation of *discrimination* or participating in an investigation of *discrimination*.

D. PROTECTED ACTIVITY AND GOOD FAITH REPORTS

Protected activity includes complaints involving violations of the Non-discrimination Policy and the Sexual Misconduct Policy. It does not include complaints involving violations of other policies. Nor does it include complaints raising ethical, financial, or other concerns unrelated to discrimination. Protected activity does include requesting reasonable accommodation based on, for example, disability or religion.

Protected activity is covered under this policy even if the claims involved were ultimately found invalid so long as those claims were made in good faith.

It is a violation of this policy when a person knowingly or recklessly alleges a false complaint of protected class discrimination or harassment or provides false information during the course of an investigation, and violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

E. REPORTING OBLIGATIONS

Any faculty or staff member who is considered a Responsible Employee, as defined herein, who witnesses or receives information regarding possible prohibited protected class discrimination or harassment is required to promptly report the information to the Office of Equity or their designee. Such information about the alleged conduct, where possible, should include:

- name of the alleged complainant(s);
- name of alleged respondent(s);
- name of any alleged witnesses; and
- any other relevant facts, including the date, time, and specific location of the alleged incident.

All other individuals who become aware of an incident of Prohibited Conduct are highly encouraged to report all known details about the Prohibited Conduct to the University Office of Equity by telephone, email, in person, or through the university's online Incident Report Form.

The university may have an obligation to report to the police, keeping the name of the victim confidential, in circumstances where the incident includes an allegation that a crime has been committed.

F. PROCEDURES

Reports or complaints made pursuant to this policy will be addressed promptly and as practicably as possible after the report is made in accordance with the Office of Equity Resolution Procedures (Effective August 24, 2023).

G. DEFINITIONS

Appointing authority/disciplinary authority. An appointing authority is the individual with the authority or delegated authority to make ultimate personnel decisions concerning a particular employee. A disciplinary authority is the individual who or office that has the authority or delegated authority to impose discipline upon a particular employee or student.

Complainant and/or Respondent. Within the context of this process and related procedures, the individual alleged to have been subjected to harassment or discrimination may be referred to as the “complainant or reporting party” and the person(s) against whom the complaint is filed is the “respondent” or “responding party.” For related complaint, grievance, or disciplinary processes, refer to Regent Policies under 5. Faculty, 5. G Faculty Senate Grievance Process and 5. E Faculty Dismissal for Cause Process (for faculty), State Personnel Board Rules (for classified employees), and campus student disciplinary policies and procedures (for students).

Equity, Office of. The university Office of Equity investigates allegations of discrimination, harassment and sexual misconduct and related retaliation based upon an individual’s Protected Class status. This Office has the authority to impose discipline in conjunction with the appointing authority/disciplinary authority.

Protected Characteristics/Class. Are those personal traits, characteristics and/or beliefs that are defined by applicable law as protected from discrimination and/or harassment. They include race, creed, color, sex, gender identity or expression, age, national origin, ancestry, religion, physical or mental disability, veteran status, marital or domestic partnership status, affectional or sexual orientation and/or other characteristics protected by applicable law. For further information on the definitions of protected classes, link to the U.S. Equal Employment Opportunity Commission at <http://www.eeoc.gov/laws/types/>.

Responsible Employee. Means any employee who has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff or students and/or has the authority to redress sexual misconduct. This definition does not include any medical, mental health, counseling, or other office personnel, in addition to any other offices covered by a statutory privilege or designated in campus procedures as not subject to mandatory reporting to the university.

University Property. University property is defined as land, buildings, and facilities in possession or owned, used, or controlled by the university or funded by university budgets.

Notes

1. Dates of official enactment and amendments:
July 1, 2016: Adopted by the Provost
August 8, 2018: Modified
August 24, 2023: Modified

2. History:
August 8, 2018: Modified to reflect a Campus-wide effort to recast and revitalize various Campus policy sites into a standardized and more coherent set of chaptered policy statements organized around the several operational divisions of the university. Contacts at the Office of Equity were also updated in the procedures.
August 24, 2023: Modified to reflect the updated Office of Equity Resolution Procedures.
3. Initial Policy Effective Date: July 1, 2016
4. Cross References/Appendix:
 - [Campus Administrative Policy 4005, Anti-Violence](#)
 - University of Colorado [Administrative Policy Statement APS 5014 Sexual Misconduct](#)
 - For related complaint, grievance or disciplinary processes, refer to Regent Policy 5. [Faculty](#), [5. H. Faculty Senate Grievance Process](#) and [5. I. Faculty Dismissal for Cause Process](#) (for faculty), [State Personnel Board Rules](#) (for classified employees), and campus student disciplinary policies and procedures (for students).
 - [University of Colorado Denver Student Code of Conduct](#), including Student Conduct Codes promulgated by the University of Colorado Denver Graduate School, Schools of Medicine, Pharmacy and Dentistry.
 - Office of Equity Resolution Procedures (Effective August 24, 2023).